United Nations A/C.3/58/SR.57

General Assembly
Fifty-eighth session

Official Records

Distr.: General
12 December 2003

Original: English

Third Committee

Summary record of the 57th meeting
Held at Headquarters, New York, on Wednesday, 26 November 2003, at 10 a.m.

Chairman: Mr. Maertens (Vice-Chairman) ..... (Belgium)

Contents

Organization of work

Agenda item 107: Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (*continued*)

Agenda item 111: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*)

Agenda item 110: Advancement of women (*continued*)

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-63171 (E)

In the absence of Mr. Belinga-Eboutou, Mr. Maertens (Belgium), Vice-Chairman, took the Chair.

The meeting was called to order at 10.50 a.m.

Organization of work

1. **Ms. Al Haj Ali** (Syrian Arab Republic) said she was extremely disturbed that her persistent requests to speak had been ignored during the 48th meeting, when she had wished to comment on the work of the Committee and on the Chairman's decision, without consultation, to defer the vote on a specific draft resolution. She hoped that the refusal had not been an attempt to put pressure on delegations with regard to that draft resolution.

2. **Mr. Roshdy** (Egypt) urged the Chairman to leave ample time for statements before the conclusion of the Committee's work.

Agenda item 107: Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (*continued*) (A/C.3/58/L.10/Rev.1)

Draft resolution A/C.3/58/L.10/Rev.1: Follow-up to the Second World Assembly on Ageing

3. **The Chairman** announced that the draft resolution had no programme budget implications.

4. **Mr. Kadiri** (Morocco), speaking on behalf of the sponsors, said that they had been joined by Albania, Andorra, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom and the United States of America. He thanked delegations for their constructive attitude that had facilitated the consensus.

5. *Draft resolution A/C.3/58/L.10/Rev.1 was adopted.*

Agenda item 111: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*) (A/C.3/58/L.85)

Draft resolution A/C.3/58/L.85: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

6. **The Chairman** introduced the draft resolution, prepared on the basis of informal consultations.

7. *Draft resolution A/C.3/58/L.85 was adopted.*

8. **Mr. Fox** (United States of America) said that his country strongly supported and promoted women's full enjoyment of human rights and fundamental freedoms. However, its having joined the consensus on the draft resolution in no way constituted a reaffirmation of language used in the Beijing Declaration and Platform for Action, in the outcome of the twenty-third special session of the Assembly or in documents mentioned therein. His delegation further understood that none of the terms used in the draft resolution or in previous United Nations documents should be interpreted as constituting support for abortion or abortion-related services. It did, however, support assistance to women suffering from illnesses or injuries caused by legal or illegal abortion, including post-abortion care, and did not consider such treatment to be abortion-related services. Finally, his delegation noted that, like previous United Nations resolutions, the documents adopted at the current session contained important political goals and coordinated plans of action and were not intended to and did not create legally binding obligations on States under international law.

9. **The Chairman** announced that the Committee had thus concluded its consideration of agenda item 111.

Agenda item 110: Advancement of women (*continued*) (A/C.3/58/L.36)

Draft resolution A/C.3/58/L.36: Future operation of the International Research and Training Institute for the Advancement of Women

10. **The Chairman** drew the Committee's attention to document A/C.3/58/L.86, which contained a statement on the programme budget implications for the draft resolution.

11. **Mr. De Barros** (Secretary of the Committee) read out the oral revisions announced by the representative of Morocco during his introduction of the draft resolution.

12. **Mr. Kadiri** (Morocco), speaking on behalf of the Group of 77 and China, said that, in the light of the appointment to the new Director of the International Research and Training Institute for the Advancement of Women (INSTRAW), paragraph 7, subparagraph (a), should be deleted. He congratulated Ms. Moreno of Mexico on her appointment as Director of INSTRAW and, pledging the support of the Group of 77 and China, wished her every success in her mandate.

13. **The Chairman** announced that a recorded vote had been requested and pointed out that, under rule 128 of the rules of procedure, the proposer of a proposal could not speak in explanation of vote. He invited delegations to make general statements on the draft resolution.

14. **Mr. Kadiri** (Morocco), speaking on behalf of the Group of 77 and China, said that the issues covered in the draft resolution were a high priority for the United Nations, which would be working hard to promote them at the national, regional and international levels, especially through its study and research mechanisms. INSTRAW was the only such mechanism for the advancement of women and was headquartered in a developing country. Considerable progress had been made in implementing the recommendations of the Working Group on the Future Operation of INSTRAW, including the long-awaited appointment of its Director. That momentum must be pursued so that INSTRAW could fulfil its mandate and must take the form of both political and financial support, if necessary, from the international community. He deeply regretted that financial considerations had prevailed over the substantive goal of the advancement of women and that a vote had been requested despite all the efforts to obtain a consensus. He encouraged all delegations to vote in favour of the draft resolution, which would constitute a vote in favour of the advancement of women the world over.

15. **Mr. García González** (El Salvador), associating himself with the statement made by the representative of Morocco, expressed his delegation's gratitude for the support given to the draft resolution.

16. **Mr. Félix** (Dominican Republic) asked which delegation had requested a vote.

17. **The Chairman** replied that it had been the United States delegation, joined by the Japanese delegation.

18. **Ms. Olivera** (Mexico), supporting the comments made by the representatives of Morocco and El Salvador, said that INSTRAW had done sterling work to promote the advancement of women through its studies. She congratulated the newly appointed Director, a veteran diplomat, and urged all delegations to support the draft resolution, bearing in mind the substantive rather than the financial aspects of INSTRAW's work.

19. **Mr. Félix** (Dominican Republic) said that, as the INSTRAW host country, the Dominican Republic endorsed the statement made on behalf of the Group of 77 and China. The recommendations of the Working Group on the Future Operation of INSTRAW would contribute to the Institute's total revitalization. For example, the amendment of articles III and IV of its statute, approved in Economic and Social Council resolution 2003/57, had replaced the Board of Trustees composed of experts with an Executive Board composed of 10 member States and had given the Director a greater say in programme decision-making. Four members of the new Executive Board had already been appointed and he trusted that the entire Board would be constituted in the near future.

20. The post of Director of the Institute had remained vacant for an entire year, preventing INSTRAW from starting its fund mobilization and its revitalization. He hoped that the Institute would be endowed with the additional resources needed to enable its Director to present her report within the time frame fixed in General Assembly resolution 57/311. The Committee had shown through its resolutions its support and belief in a new reinforced INSTRAW capable of promoting and implementing research and training programmes

for the advancement of women and gender equality worldwide. By encouraging intergovernmental, governmental and non-governmental efforts, INSTRAW fulfilled a crucial role in promoting the international agenda on gender equality, development and peace and awareness of women's issues worldwide and preparing women to face new challenges and trends. Despite its critical financial situation, INSTRAW carried out innovative programmes using its Gender Awareness Information and Networking System (GAINS), implemented research projects in collaboration with researchers all over the world, developed networks of national focal points and an online library in the form of a data base of over 2,000 sources from all corners of the world.

21. He appealed to all delegations to support the draft resolution, thus enabling INSTRAW to put its new projects into practice and resume its rightful place as the only United Nations institute on research and training relating to women and one of only three United Nations bodies located in a developing country.

22. **The Chairman** invited members to make statements in explanation of vote.

23. **Ms. Durán** (Spain), speaking in explanation of vote before the voting, noted that INSTRAW was the only United Nations agency operating in Latin America and the only agency in the United Nations system working to resolve gender-related issues. Her delegation therefore wished to thank the participants in the Working Group established by Assembly resolution 56/125. Since that resolution had been adopted unanimously by members of all five regional groups, Spain would vote in favour of the draft resolution.

24. **Mr. Fox** (United States of America) said that his country had been an active member of the Working Group on the Future Operation of INSTRAW and had supported efforts to give the Institute appropriate and effective leadership and oversight. In that regard, the appointment of a Director was encouraging. If the Institute was to be viable, it must rely on voluntary contributions. Because his delegation could not support paragraph 5 of the draft resolution, which provided for additional funding from the regular budget, it had requested a recorded vote and would vote against the resolution.

25. **Ms. Ohashi** (Japan) said that Japan had long attached great importance to the advancement of women and gender issues and was deeply committed to the goal of achieving gender equality. It had thus been one of the biggest donors to INSTRAW over the past decade, and firmly believed that the Institute should be supported by voluntary contributions. Japan had been rather disappointed that there had been no real sign of revitalization, despite the extended provision of a subsidy from the United Nations regular budget. Since Japan contributed almost 20 per cent of the United Nations budget, it could not allow that situation to continue. It was particularly concerned about paragraph 5 of the draft resolution, as orally revised. The words "if needed" appeared to imply that the funds would be automatically allocated from the regular budget in case of need. Now that INSTRAW had a new Director, it should not require additional funding from the regular budget, and continued subsidies would undermine its accountability. Her delegation would therefore vote against the draft resolution, as orally revised.

26. **Ms. Grollová** (Czech Republic) said that her delegation would not be able to support the draft resolution, and would therefore abstain in the vote. The long-awaited appointment of a Director was to be welcomed. However, the Czech Republic had worked hard with the other members of the Working Group to improve the mandate and structure of INSTRAW in an effort to make its mandate more transparent and give Member States greater control over its management. The Institute should become more viable and thus attract old and new donors alike, and the Czech Republic was willing to consider voluntary contributions in the future.

27. *A recorded vote was taken on draft resolution A/C.3/58/L.36.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Italy,

Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Japan, New Zealand, United States of America.

Abstaining:

Albania, Austria, Belgium, Bulgaria, Cambodia, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Latvia, Liechtenstein, Lithuania, Luxembourg, Nauru, Netherlands, Norway, Poland, Republic of Korea, Russian Federation, San Marino, Slovenia, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

28. *Draft resolution A/C/3/58/L.36 was adopted by 126 votes to 5, with 33 abstentions.*

29. **The Chairman** invited members to make statements in explanation of vote after the vote.

30. **Ms. Mårtensson** (Sweden), speaking also on behalf of Denmark, the Netherlands and the United Kingdom, said that the countries concerned were strongly committed to the advancement of women, to the promotion of women's rights worldwide, and to the ultimate goal of gender equality, and believed that the United Nations system had a vital contribution to make in that field. However, because the draft resolution just adopted might imply a commitment to future additional subsidization of INSTRAW from the regular budget, it was inconsistent with General Assembly resolution 55/219, which had decided that assistance to the Institute would be provided on a non-recurrent basis. The cycle of petitions to the General Assembly for funding had continued, contrary to that provision. Member States that continued to believe in INSTRAW should offer sufficient voluntary funding. The wider membership of the United Nations should not be asked to meet any future funding gap.

31. **Ms. Kyung** Whakang (Republic of Korea) said that her country attached great importance to the advancement of women, both domestically and internationally, through the work of the United Nations, including INSTRAW. It welcomed the appointment of the new Director, but could not support the possible financial implications of the draft resolution. INSTRAW should function on the basis of voluntary contributions. The Republic of Korea had therefore abstained.

32. **Ms. Maillé** (Canada), speaking also on behalf of Australia and New Zealand, acknowledged the efforts made to revitalize INSTRAW during the previous year, and hoped that its newly appointed Director would raise the funds necessary to ensure its proper functioning. In light of the overall United Nations reform process, however, those three countries could not presently support allocations to the Institute from the regular budget.

33. **Ms. Elisha** (Benin) said she hoped for a more successful conclusion next year, through the support of donors and development partners.

34. **Mr. Kadiri** (Morocco) thanked all those countries that had voted in favour of the draft resolution and said that financial considerations should not be allowed to prevail over the common cause of all nations to promote gender equality and the advancement of women.

35. **The Chairman** proposed that the Committee recommend to the General Assembly that it take note of the note by the Secretary-General transmitting the report on the activities of the United Nations Development Fund for Women (A/58/168), the report of the Secretary-General on the future operation of the International Research and Training Institute for the Advancement of Women (A/58/417), and the report of the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women (A/58/540). The Committee

had thus concluded its consideration of agenda item 110.

36. **Mr. Fox** (United States of America) said that it was the understanding of his delegation that the Committee was taking note of those reports in a manner consistent with General Assembly decision 55/488.

37. **The Chairman** said that the Secretariat had taken due note of the statement of the United States representative.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/58/L.52, L.61, L.62 and L.78)

Draft resolution A/C.3/58/L.52: The right to development

38. **The Chairman** said that the draft resolution had no budget implications. He noted that China had joined the sponsors of the draft resolution.

39. **Mr. Rastam** (Malaysia), speaking on behalf of the States members of the Non-Aligned Movement, recalled that the Commission on Human Rights had requested the Subcommission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development. In the current draft resolution, the General Assembly expressed its interest in the deliberations to be held by the Commission on that concept paper. The draft resolution also required the General Assembly to call United Nations agencies, funds and programmes, as well as the specialized agencies, to mainstream the right to development into their programmes and objectives, and stressed the need for the international financial and multilateral trading systems to do the same. In the Commission on Human Rights, many members of the European Union had voted in favour of the text, and that was a welcome development. The Non-Aligned Movement had therefore worked to accommodate the concerns of all delegations and held open consultations with all its partners. Since the introduction of draft resolution A/C.3/58/L.52, further negotiations had been held, resulting in a number of revisions to the text. In the spirit of present efforts to reduce costs, his delegation had not requested that a revised text of the draft resolution be issued and had therefore circulated a text of the proposed revisions to the Committee.

40. **Ms. Astanah** (Malaysia) announced several revisions to draft resolution A/C.3/58/L.52.

41. In the sixth preambular paragraph, the word "all" should be replaced by the word "fundamental". In the tenth preambular paragraph, the words "Final Document of the" should be deleted, and the word "Countries" replaced by the word "Movement". In the twelfth preambular paragraph, the words "and integrated" should be inserted between the words "multifaceted" and "approach".

42. The following text should be inserted as new paragraph 2: "*Requests* the Working Group at its fifth session to revisit and build on the Agreed Conclusions of the third session of the Working Group in order to constructively and effectively fulfil its mandate, bearing in mind that the Working Group did not reach a conclusion at its fourth session". In paragraph 3, the words "as contained in the Agreed Conclusions of the third session of the Working Group" should be inserted after the word "principles"; the words "that underpin" deleted; the words "congruent with" inserted before the words "the purpose of"; the words "equity" and "transparency" deleted; and the phrase "underlining also the importance of the principles of equity and transparency" added. In paragraph 9, the words "and national" should be inserted following the word "international"; the word "level" changed to "levels"; and the words "undertake necessary policy formulation and" deleted. Paragraph 14 should become a new twelfth preambular paragraph and the initial word "*Recognizes*" changed to "*Recognizing*".

43. Furthermore, in paragraph 16 the phrase "in particular in relation to agricultural trade and other" should be replaced by the words "including in". In paragraph 22, the words "and additional" should be inserted between the words "further" and "measure". In paragraph 24, the phrase "including the repatriation of illegally acquired assets and funds to the countries of origin" should be deleted; the phrase "to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery" inserted between the word "levels", and the words "and stresses". In paragraph 25, the passage beginning with

the words "inter alia" and ending with the words "those options" should be deleted. In paragraph 27, the phrase "including in particular ensuring" should be replaced by the words "and ensure"; the word "and" should be inserted between the word "funds" and the word "programmes"; and the word "its" inserted between the words "programmes and" and "specialized agencies". In paragraph 28, the phrase beginning with "*Stresses* the need" and ending with "objectives of" should be replaced by the words "*Calls on*"; the word "and" inserted between the word "funds" and the word "programmes"; the word "and" following the word "programmes" replaced by the phrase "as well as its"; the phrase "to mainstream the right to development in their operational programmes and objectives" inserted between the words "specialized agencies" and the words "and stresses the need"; and the phrase "to mainstream the right to development in their policies and objectives" inserted after the words "trading systems". Finally, in paragraph 30, the words "an interim report" should be inserted between the words "ninth session and" and the words "to the Commission on Human Rights".

44. **The Chairman** said that a recorded vote on the draft resolution had been requested by the United States delegation and invited Committee members to make a general statement before the Committee proceeded to a vote.

45. **Ms. Borzi** (Italy), speaking on behalf of the European Union, said that the European Union was fully committed to the realization of the right to development, and believed that it was essential to achieve the broadest possible consensus in efforts to promote that right. Its members would have welcomed a reference in the draft resolution to the mainstreaming of a rights-based approach in United Nations agencies, funds and programmes, since that was the approach increasingly being taken throughout the United Nations system. Moreover, it was the mainstreaming of all human rights, without distinction, that should be emphasized in such a text. It would also have been preferable to include a precise quotation from the Vienna Declaration and Programme of Action, rather than the abbreviated version that had been chosen. The European Union welcomed OHCHR's efforts to promote the right to development. Noting that the Commission on Human Rights had mandated the Office to assist the Subcommission in producing its concept document by developing studies on existing bilateral and multilateral programmes and policies, she said that the European Union looked forward to working with the relevant actors in support of its efforts and in the organization during 2004 of a high-level seminar on the right to development, as mandated by the Commission on Human Rights. The revised draft represented an improvement on the original version.

46. **Mr. Honjo** (Japan), speaking in explanation of vote before the voting, said that a number of the amendments proposed by his delegation during the negotiations had been accepted and the text might provide a fair basis for future work on the right to development. However, the draft resolution as a whole failed to strike an appropriate balance between the national and international aspects of the issue and between civil and political rights and economic, social and cultural rights. It was true that the international environment had a significant impact on a State's national policies, but those policies were a matter for each sovereign State to determine. The much vaunted interdependence of States in a globalized world did not give States an excuse for abrogating their responsibilities towards their own citizens, who were the supreme stakeholders in the right to development. He was disappointed at the cursory treatment in the draft resolution of the human aspects of the right to development, which should be at the heart of the discussion. In addition, he was concerned at the inclusion in paragraph 25 of the reference to a concept document on the options for the implementation of the right to development: as a matter of principle, his Government opposed the establishment of legal standards in relation to that right, as such standards were, by their nature, incompatible with its approach to the right to development and to development itself. For all those reasons, his delegation would abstain in the voting.

47. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that the draft resolution perpetuated the idea that a country's lack of development justified the denial of internationally recognized human rights. Development depended on good governance, which allowed individuals to develop their talents to the maximum extent, speak and associate freely with each other and regularly choose their own government. Her delegation could not support the call for scarce resources to be devoted to the preparation of the concept document by

the Subcommission on the Promotion and Protection of Human Rights since there was little likelihood that any legally binding instrument would garner significant support. Nor could it support the premature call for more progress in realizing the right to development, given that there was no internationally accepted definition of that right. For those reasons, her delegation had called for a recorded vote and would vote against the draft resolution.

48. *A recorded vote was taken on draft resolution A/C.3/58/L.52.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Georgia, Japan, Republic of Moldova, Sweden.

49. *Draft resolution A/C.3/58/L.52 was adopted by 158 votes to 2, with 6 abstentions.*

50. **Mr. Choi** (Australia), explaining his delegation's position, said that his delegation believed that the right to development was a fundamental human right but had abstained in the voting because the resolution did not adequately recognize the positive effects of globalization or the fact that effective development assistance should respond to a country's own development plans and should take account of and complement all other forms of development assistance, including domestic resources and trade. The primary responsibility for realizing human rights, including the right to development, rested with States, and development was best achieved by assessing a country's needs and responding on the basis of that assessment. His Government's aid programme did precisely that and contributed to the advancement of all human rights by focusing on poverty reduction, sustainable development and good governance. His delegation believed that the core international human rights instruments provided a ready framework for assessing a country's needs and that the Working Group on the Right to Development should remain the pre-eminent forum for discussing that right within the United Nations system.

Draft resolution A/C.3/58/L.61: Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

51. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.61, which had no programme budget implications, and announced that Afghanistan, Albania, Andorra, Armenia, Australia, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Cambodia, Cape Verde, Colombia, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, El

Salvador, Estonia, Fiji, Georgia, Ghana, Guatemala, Honduras, Iceland, India, Kazakhstan, Kenya, Latvia, Lithuania, Madagascar, Mali, Malta, the Marshall Islands, the Federated States of Micronesia, Monaco, Nauru, New Zealand, Palau, Panama, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Saint Vincent and the Grenadines, Serbia and Montenegro, Sierra Leone, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania had joined the sponsors. He announced that a recorded vote had been requested.

52. **Mr. Amorós Núñez** (Cuba), speaking in explanation of vote before the voting, said that his delegation recognized the positive role played by the United Nations in providing electoral assistance to Governments that requested it and agreed that the United Nations Trust Fund for Electoral Observation should be maintained. However, the draft resolution clearly implied a duplication of work within the United Nations system, in that it would require the Office of the United Nations High Commissioner for Human Rights to perform tasks already carried out by the Electoral Assistance Division. Moreover, if the draft resolution was adopted, the United Nations Development Programme would be required to devote a large proportion of its resources to electoral assistance activities, to the detriment of its core activities. Unfortunately, not one of his delegation's proposals to address those problems had been accepted by the sponsors, even though the main sponsor was often one of the first to criticize such duplication.

53. The draft resolution was based on the false premise that only developing countries were in need of electoral assistance. Recent events in some very powerful developed countries had shown otherwise. In addition, the draft did not take sufficiently into account the fact that electoral processes were an internal matter for States and an expression of national sovereignty. His delegation would therefore be unable to vote for the draft resolution.

54 *A recorded vote was taken on draft resolution A/C.3/58/L.61.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Brunei Darussalam, China, Cuba, Libyan Arab Jamahiriya, Myanmar, Syrian Arab Republic, Viet Nam.

55. *Draft resolution A/C.3/58/L.61, as orally revised at the 51st meeting, was adopted by 156 votes to none, with 7 abstentions.*

56. **Mr. Roshdy** (Egypt), explaining his delegation's position, said that his delegation had voted in favour of

the resolution because it believed in the principle of periodic and genuine elections.

57. **Mr. Idoko** (Nigeria) said that his delegation wished to be included on the list of sponsors of the resolution.

Draft resolution A/C.3/58/L.62: United Nations Decade for Human Rights Education, 1995-2004

58. **The Chairman** invited the Committee to take action on the draft resolution, which had no budget implications and whose sponsors had been joined by Albania, Algeria, Angola, Armenia, Benin, Bolivia, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Côte d'Ivoire, El Salvador, Ethiopia, Fiji, the Gambia, Ghana, Guatemala, Israel, Kenya, Lebanon, Lithuania, Madagascar, Mali, Mauritania, Micronesia, Morocco, Mozambique, Nauru, Nepal, Nicaragua, Panama, the Philippines, the Republic of Moldova, Romania, the Russian Federation, Saint Vincent and the Grenadines, Serbia and Montenegro, Sierra Leone, South Africa, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, the United States of America, the United Republic of Tanzania and Zambia.

59. **Ms. Bieske** (Australia) announced the following revisions to the draft resolution on behalf of the sponsors. In paragraph 1, the words "and public information activities in the field of human rights;" should be deleted. In paragraph 13, the commas should be deleted after the words "*Welcomes*" and "meetings". Lastly, in paragraph 17, the words "to the commemoration" should be deleted and replaced by "on the occasion", and the words "structured as an interactive dialogue" should be deleted.

60. *Draft resolution A/C.3/58/L.62, as orally revised, was adopted.*

Draft resolution A/C.3/58/L.78: Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

61. **Mr. De Barros** (Secretary of the Committee) made a statement regarding the programme budget implications of the draft resolution. Pursuant to paragraph 3 of the draft resolution, the Working Group of the Ad Hoc Committee would hold one session at United Nations Headquarters in New York, probably from 5 to 16 January 2004, which would require conference servicing for 20 meetings, with interpretation services in six languages, and some 250 pages of pre-session, 100 pages of in-session and 100 pages of post-session documentation in six languages. Pursuant to paragraph 6 of the draft resolution, the Ad Hoc Committee would hold two sessions at United Nations Headquarters in New York in 2004, probably, from 24 May to 4 June and from 23 August to 3 September. The meetings would require conference servicing for 20 meetings, with interpretation services in six languages, and some 50 pages of pre-session, 50 pages of in-session and 50 pages of post-session documentation in six languages.

62. The session of the Working Group of the Ad Hoc Committee and the fourth session of the Ad Hoc Committee would constitute additions to the draft calendar of conferences and meetings of the United Nations for the 2004-2005 biennium and incur additional conference-servicing costs amounting to an estimated $763,500.

63. Under General Assembly resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund was established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. If additional expenditures were proposed that exceeded the resources available from the contingency fund, the activities concerned would be carried out only through the redeployment of resources from low-priority areas or modification of existing activities. Otherwise, the additional activities would have to be deferred to a later biennium.

64. It was not currently possible to identify activities within the proposed programme budget for 2004-2005 that could be terminated, deferred, curtailed or modified during that biennium to meet the additional requirement of $763,500.

65. **Ms. Olivera** (Mexico), announced that the sponsors had been joined by Afghanistan, Albania, Andorra, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Canada, China, Congo, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Dominica, Eritrea, France, Ghana, Greece, Honduras, Hungary, Ireland, Israel, Jamaica, Jordan, Lithuania, Luxembourg, Malawi, Mali, Malta, the Netherlands, Niger, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, Qatar, the Republic of Moldova,

Romania, Rwanda, Sierra Leone, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine and Zimbabwe.

66. She also announced the following revisions to the draft resolution. In the first preambular paragraph, the words "open to the participants of all Member States and Observers of the United Nations" should be inserted between the words "Committee" and "to consider". Paragraph 3 should be revised to read, "Endorses the Ad Hoc Committee's decision to establish a Working Group with the aim of preparing and presenting a draft text, which would be the basis for negotiations on the draft convention by Member and Observer States in the Ad Hoc Committee, taking into account all contributions". She did not believe that the draft resolution had any programme budget implications.

67. **Ms. Rasheed** (Palestine) said that the words "Member States and Observers" should not be changed to "Member and Observer States" in paragraph 3 of the draft resolution since Palestine was not an Observer State.

68. **Ms. Maillé** (Canada) greatly regretted that the Secretary's statement on programme budget implications had been made at such a late stage and noted that the draft resolution was identical to the one adopted the previous year.

The meeting rose at 1.20 p.m.

United Nations A/C.3/58/SR.58

General Assembly
Fifty-eighth session

Official Records

Distr.: General
9 December 2003

Original: English

Third Committee

Summary record of the 58th meeting
Held at Headquarters, New York, on Wednesday, 26 November 2003, at 3 p.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

Agenda item 113: Promotion and protection of the rights of children (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-63823 (E)

The meeting was called to order at 3.25 p.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/58/L.30/Rev.2, L.78 and L.81)

Draft resolution A/C.3/58/L.30/Rev.2 entitled "The situation of and assistance to Israeli children", and amendments thereto in document A/C.3/58/L.81

1. **Mr. Gillerman** (Israel) announced that his Government was withdrawing the draft resolution, because hostile amendments proposed by the Egyptian and several other delegations would, if adopted, pervert its focus and intent.

2. His delegation had submitted its draft resolution only after the Committee's adoption of draft resolution A/C.3/58/L.24, on the situation of and assistance to Palestinian children, since Israeli children deserved equal attention. The very submission of the draft resolution had been a challenge to Member States to avoid selective treatment of Israel and to demonstrate the same compassion for Palestinian and Israeli children alike. The sponsors of the amendments had given their answer. It was puzzling why hundreds of Israeli children killed or maimed in brutal terrorist attacks deserved less sympathy than Palestinian youngsters, or why the suffering of Israeli families trying to cope with loss and tragedy was regarded as less severe than that of Palestinian parents.

3. The submission of the so-called "amendments", which, in fact, altered the whole nature of the draft resolution, was a grossly unfair and mean-spirited act, designed to deny the Committee an opportunity to vote on a draft resolution highlighting the plight of Israeli children. From the perspective of those who had suggested the changes, a resolution expressly recognizing the suffering of Israeli children would have contradicted the view that they had tried to propagate, namely that Israelis were always villains and never victims, that Israelis had responsibilities and no rights and that Palestinians had rights but no responsibilities.

4. The delegations which had backed the Israeli draft resolution had evinced a consistent concern for the welfare of all the world's children, while those which had opposed it had demonstrated the shameless double standards that animated their conduct at the United Nations. As long as that state of affairs was tolerated, it was little wonder that the legitimacy of some General Assembly resolutions was challenged or that the credibility of the United Nations was sometimes questioned. He therefore hoped that his Government's withdrawal of its draft resolution would serve as a wake-up call to delegations and remind them that the General Assembly faced a serious problem in securing its legitimacy with regard to issues related to the conflict in the Middle East. The Third Committee should therefore address the question of children on a fair, equal and universal basis at the next session.

5. **Mr. Roshdy** (Egypt) said that Israel should retract its withdrawal, for the amendments proposed in his delegation's draft resolution did not introduce new language, but merely called for peace for all children in the Middle East and therefore could not be termed "hostile". The United Nations did not have double standards. Unlike Israeli children, who had a Government to protect them, Palestinian children could not even attend school, because tanks surrounded their homes. Well over 500 Palestinian children had been killed in the previous three years. Egypt was not hostile to Israel and had been the first country to sign a peace treaty with Israel. The Israeli delegation should explain why it had found no co-sponsors for its one-sided draft resolution.

6. **Mr. Maaluf** (United States of America) said that his delegation did not want the issue of children to be politicized, or one group of children to be singled out in a given region of the world. Country-specific and group-specific resolutions regarding children were inappropriate. It was therefore to be hoped that, in the future, the Committee would avoid the submission of such resolutions. The draft resolution on Israeli children (A/C.3/58/L.30/Rev.2) had received very different treatment to that on Palestinian children (A/C.3/58/L.24). The former would have redressed the imbalance created by the Committee's adoption of the latter. For that reason, it was unfortunate that hostile amendments would have distorted the draft to such an extent that the sponsor had decided to withdraw it. That episode would bolster the belief that the United Nations continued to be biased in its treatment of the parties and issues related to the Palestinian-Israeli conflict.

Draft resolution A/C.3/58/L.78: Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

7. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) explained that the statement setting out programme budget implications had not been issued earlier, because time had been needed in order to ascertain the implications of the large number of draft resolutions submitted to the Committee the previous week and in order to consult the substantive departments concerned, as well as the Department for General Assembly and Conference Management. Every effort had been made to obtain and update the requisite information. As for draft resolution A/C.3/58/L.78, an oral statement would be made, followed by an official committee document.

8. **Mr. De Alba** (Mexico) asked why the explanation given during the morning meeting had contradicted the information his delegation had received during consultations on the dates of the meetings of the Ad Hoc Committee and the Working Group. The Secretariat had previously stated that the draft resolution would have no additional financial implications, but that some adjustment of the timetable might prove necessary. The Secretariat should therefore clarify the ambiguity which had arisen. Only once that matter had been resolved, would it be appropriate to take action on the draft resolution and for the Fifth Committee to consider the consequences of any readjustments that had been made. It would not, however, be reasonable to expect further clarification at the current meeting.

9. As coordinator of the sponsors, he said that the phrase "by Member States and observers" should be deleted from paragraph 3 so as to meet the concerns of a number of delegations and to endorse a decision taken by a different body.

10. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) explained that the meeting of the Working Group and the fourth session of the Ad Hoc Committee had not been on the calendar of meetings and conferences in the 2004-2005 biennium. For that reason, provision had to be made for additional requirements in terms of conference services. The dates and number of meetings had altered considerably during the current biennium and so conference-servicing requirements had shifted accordingly. During consultations between his office and the Department for General Assembly and Conference Management, it had become clear that the meetings of the two bodies would generate an additional demand for conference services and documents, and would require an additional appropriation in the programme budget for 2004-2005.

11. **Ms. Maillé** (Canada) said that the lateness of the information on programme budget implications was deplorable. She sought confirmation that the amounts quoted were based on a full-cost assessment and that rooms would actually be available on the dates scheduled for the meetings in question.

12. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) replied that it was established practice to base statements of programme budget implications on a full-cost assessment. At that point in time, however, the Secretariat was unable to determine whether extra capacity was available, since it did not have a complete picture of the requirements for the 2004-2005 biennium. It was up to the Fifth Committee to decide on the allocation of resources from the contingency fund.

13. **Mr. Rojas** (Chile) endorsed the comments of the Mexican delegation and pointed out that action was being taken on the draft resolution, although the Committee did not really know if the meetings could actually be held.

14. **The Chairman** invited the Committee to take action on the draft resolution.

15. *Draft resolution A/C.3/58/L.78, as orally revised, was adopted.*

16. **Mr. Fox** (United States of America) said that his Government had intended to join the consensus on the draft resolution, although it had concerns about the pace of the Ad Hoc Committee's work. In the light of the two 10-day sessions called for in the draft resolution, it would be difficult for States and other participants to prepare sufficiently. He endorsed the sentiments of the Mexican and Canadian delegations regarding the programme budget implications and announced that his Government therefore dissociated itself from the consensus. The United Nations had been provided with ample resources to meet the priority needs agreed by Member States and so additional funds for that activity should not be necessary. His delegation would re-examine the issue when it arose in the Fifth

Committee. Nonetheless his Government would continue to participate in the work of the Ad Hoc Committee.

17. **Ms. Maillé** (Canada) said that her delegation likewise reserved the right to discuss the question further in the Fifth Committee.

18. **Mr. Tejima** (Japan) said that his Government regarded the protection and promotion of the rights of persons with disabilities as most important and therefore regretted that the statement on programme budget implications had been given only a few minutes before action had been taken on the draft resolution. He requested the Secretariat to make such statements available earlier and in writing for the sake of greater transparency.

19. **Mr. Andrabi** (Pakistan) stated that, although his Government had joined the consensus, its understanding was that the negotiations concerning the draft convention would be held only among the Member States, Palestine and the Holy See.

20. **Mr. Wood** (United Kingdom) said that the programme budget implications as outlined orally might have called into question his Government's sponsorship of the draft resolution and it would therefore have welcomed an opportunity to speak before action had been taken. As the draft resolution had been adopted, however, his Government would not dissociate itself from the consensus although, as in the previous year, it was unhappy about the lateness of the statement on programme budget implications. In the future, the Secretariat should make those statements available much earlier.

21. **Ms. Mårtensson** (Sweden) expressed concern about the manner in which the Committee had proceeded with regard to the draft resolution, which Sweden had co-sponsored on the understanding that no additional resources would be necessary if the meetings took place at certain times. The rapidity with which the resolution had been adopted had robbed the sponsors of any opportunity to consider the potentially huge attendant costs. Nevertheless Sweden and all other European Union member States were still committed to participation in drafting the convention. The work of the Ad Hoc Committee had not, however, been handled in an appropriate manner by the Secretariat.

22. **Mr. De Alba** (Mexico) said that the decision taken on the draft resolution sent a clear and very important message. He assured delegations worried about the financial implications that his Government would conduct negotiations aimed at solving the problem in the Fifth Committee. It was crucial to review the Organization's working methods in order to understand why the exchange of information among various Secretariat departments had led to so many mistakes. His Government would play an active role in the Committee on Conferences, because the United Nations deserved to have its work arranged in a more efficient manner.

23. **Ms. Espíndola** (Ecuador) welcomed the adoption of the draft resolution as a sign of the international community's commitment to the drafting of a comprehensive international convention to protect the rights and dignity of the disabled. Although she recognized the need to take into account programme budget implications, she stressed that protection of the rights of the disabled should also be a priority.

Agenda item 106: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/58/L.2 and L.48)

Draft resolution A/C.3/58/L.2, entitled "Preparations for the observance of the tenth anniversary of the International Year of the Family in 2004", and amendments thereto in document A/C.3/58/L.48

24. **Mr. De Barros** (Secretary of the Committee) drew attention to the amendments to the draft resolution and recalled that further revisions had been made when the amendments had been introduced.

25. With regard to the programme budget implications of the amendments, as orally revised, he said he had been informed by the Programme Planning and Budget Division that, with regard to the new operative paragraph 1 bis, the holding of a regional preparatory conference in Benin in May 2004 in collaboration with the United Nations would constitute an exception to the rules governing the use of United Nations funds for the travel of government representatives. Resources from the United Nations Trust Fund on Family Activities would support the organization of the regional conference; the travel of United Nations staff would also be paid out of the Trust Fund. The regular budget would therefore not bear any of the expenses involved.

26. Regarding the new paragraph 6 bis, he said that, consistent with and in response to the reform efforts of the Secretary-General as reflected in document A/57/387, the Division for Social Policy and Development had been reorganized to allocate resources in accordance with priorities. In responding to legislative mandates, the Division drew upon the skills and expertise of its entire staff. In the area of social integration, that principle applied to the family, ageing, youth and the disabled. The Secretariat would meet the requirements of the programme of work related to the family within existing resources. Furthermore, the actions requested of the Secretary-General in the new paragraph 6 bis, in particular in subparagraphs (ii) and (iii), could be accommodated within the proposed programme budget for 2004-2005 and from extrabudgetary resources to be made available from the United Nations Trust Fund for Family Activities.

27. **The Chairman** said that Angola, Armenia, the Comoros, the Gambia, Haiti, Morocco, Namibia, Rwanda, Sierra Leone, South Africa, Thailand, Trinidad and Tobago, Uganda and the United States wished to join the sponsors. He said he took it that the Committee wished to approve the amendments in document A/C.3/58/L.48, as orally revised, for incorporation into draft resolution A/C.3/58/L.2.

28. *It was so decided.*

29. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/58/L.2, as amended, without a vote.

30. *It was so decided.*

Oral decision concerning document A/58/67-E/2003/49

31. **The Chairman** suggested that the Committee should take note of the note by the Secretary-General transmitting the report on preparations for and observance of the tenth anniversary of the International Year of the Family in 2004 (A/58/67-E/2003/49).

32. *It was so decided.*

33. **Mr. Fox** (United States of America) said it was the understanding of his delegation that the Committee was taking note of the document in question consistent with General Assembly decision 55/488.

34. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 106.

Agenda item 113: Promotion and protection of the rights of children (*continued*) (A/C.3/L.25/Rev.1, L.28 and L.84)

Draft resolution A/C.3/58/L.25/Rev.1: The girl child

35. **The Chairman** announced that the following delegations wished to join the sponsors: Albania, Algeria, Andorra, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mongolia, Morocco, Nauru, Nepal, Netherlands, New Zealand, Norway, Paraguay, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Seychelles, Slovakia, Slovenia, Spain, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, the United Kingdom and Uruguay. He added that the draft resolution contained no programme budget implications.

36. **Ms. Muuondjo** (Namibia), speaking on behalf of the sponsors, said that paragraph 16 should end with the word "peacekeepers" and the following words should be deleted.

37. **Ms. Zack** (United States of America) suggested the following amendments to paragraph 1 of the draft resolution: the word "applicable" should be inserted before "human rights instruments" and, at the end of the paragraph, the words "as well as the need for universal application of those instruments" should be replaced with "and invites States to consider ratification of those instruments and their additional protocols". The amendments were intended to recall that States were obligated to implement only those instruments which they had ratified and that it was the sovereign right of every State to decide which instruments it chose to ratify. Although she would not be suggesting any amendments with regard to references in the draft resolution to the Beijing Declaration and Platform for Action, she recalled her delegation's statement during consideration of draft

resolution A/C.3/58/L.85. In spite of her delegation's concerns, however, she stressed that it supported adoption of the draft resolution as a whole by consensus.

38. **Ms. Muuondjo** (Namibia), speaking on behalf of the sponsors, stressed the importance of the draft resolution. Although she would have preferred consensus on the draft as a whole, she could not accept the amendments proposed by the United States and therefore called for a recorded vote on those amendments.

39. *A recorded vote was taken*:

In favour:

Colombia, Singapore, United States of America.

Against:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Georgia, Haiti, Honduras, Israel, Papua New Guinea, Uganda.

40. *The United States amendments were rejected by 145 to 3, with 6 abstentions.*

41. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

42. *Draft resolution A/C.3/58/L.25/Rev.1, as orally revised, was adopted.*

Draft resolution A/C.3/58/L.28: Office of the Special Representative for Children and Armed Conflict

43. **The Chairman** announced that the delegations of Burkina Faso and the Niger wished to join the sponsors, and drew attention to the programme budget implications in document A/C.3/58/L.84.

44. **Mr. Moungara-Moussotsi** (Gabon) said the sponsors were not satisfied with the statement on programme budget implications and requested an explanation from the representative of the Programme Planning and Budget Division with regard to paragraph 2 of the statement.

45. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) noted that the operative paragraph of the draft resolution recommended that the activities of the Special Representative of the Secretary-General for Children and Armed Conflict should be supported through regular budgetary funding. Since that recommendation was of a purely budgetary and financial, rather than a substantive, nature, the Division was of the opinion that the matter should be referred to the Fifth Committee, which had authority for decisions relating to administrative and budgetary matters.

46. **Mr. Cabral** (Guinea-Bissau) said that the statement on programme-budget implications (A/C.3/58/L.84) was misleading: rather than containing the financial estimates required under rule 153 of the rules of procedure, it expressed the opinion of the Programme Planning and Budget Division. He

wondered under what rule the attempt was being made to stifle the Committee's discussion. The representative of the Programme Planning and Budget Division should provide clarification.

47. **Mr. Rowe** (Sierra Leone) said that the sponsors of draft resolution A/C.3/58/L.28 had expected document A/C.3/58/L.84 to contain at least seven paragraphs, outlining the background to the situation, the current financial position of the Office of the Special Representative, the activities to be implemented under the proposals and, above all, the administrative and financial implications spelled out in dollars, followed by a summary of the situation as a whole. The Programme Planning and Budget Division should provide a more detailed assessment.

48. **Ms. Khalil** (Egypt) said it was a travesty to claim that draft resolution A/C.3/58/L.28 concerned budgetary matters and was therefore outside the Committee's competence. On the contrary, it concerned the Office of the Special Representative and how he should best carry out his mandate. It was not for the Programme Planning and Budget Division to determine which draft resolutions the Committee discussed.

49. **Ms. Mohamed Ahmed** (Sudan) concurred. Document A/C.3/58/L.84 did not set out the programme budget implications but simply stated the obvious. She therefore requested the representative of the Programme Planning and Budget Division to provide the Committee with any information that he had to hand.

50. **Mr. Andrabi** (Pakistan), supported by **Ms. Al Haj Ali** (Syrian Arab Republic) and **Mr. Zhang** Lei (China), said it was unprecedented in his experience that the Programme Planning and Budget Division should take three weeks to produce a document that contained not the programme budget implications but a mere opinion. The Committee needed a real estimate of the expenditure involved before it could vote on the draft resolution.

51. **Mr. Owade** (Kenya), supported by **Mrs. Oubida** (Burkina Faso), said that, in issuing document A/C.3/58/L.84, the Secretariat had abdicated its responsibilities. He therefore proposed that the Committee should take action on draft resolution A/C.3/58/L.28 with the information already at its disposal.

52. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) said that draft resolution A/C.3/58/L.28 had been the subject of extensive consultation within the Secretariat. It had been decided that the best course of action was to draw the Committee's attention to the complexity of the situation: the Fifth Committee would, in the current circumstances, find it difficult to approve a proposal for regular funding of the Office of the Special Representative. As for the specific question of the financial implications of the draft resolution, it had been estimated that there would be a requirement of $4 million to $6 million from the regular budget.

53. **Mr. Rowe** (Sierra Leone), supported by **Mr. Cabral** (Guinea-Bissau) and **Ms. Mohamed Ahmed** (Sudan), said that the figures provided by the representative of the Programme Planning and Budget Division were of little assistance without some background information. Much would depend on whether, for example, two posts would be required or 15. The Committee was aware of the procedure involved, but it needed specific figures and details on which to base its decision.

54. **Ms. Astanah Banu** (Malaysia), supported by **Ms. Al Haj Ali** (Syrian Arab Republic) and **Mr. Moungara-Moussotsi** (Gabon), after expressing surprise that the Programme Planning and Budget Division had taken three weeks to produce a document containing no programme budget implications, said that, in the interests of economy, the sponsors had restricted the number of operative paragraphs in draft resolution A/C.3/58/L.28. The number of paragraphs was, however, immaterial: the Programme Planning and Budget Division had been required to provide information only on the financial implications of the proposal. It was also misleading to suggest that the Fifth Committee would consider the issue in the absence of a recommendation from the Third Committee; it never took the initiative in such cases. She therefore supported the proposal by the representatives of Kenya and the Sudan that the Committee should take immediate action on the basis of the figure of $4 million to $6 million, in the expectation that the representative of the Programme Planning and Budget Division would in due course provide more detailed information.

55. **Mr. Moungara-Moussotsi** (Gabon), after announcing that Benin, Burkina Faso, Cameroon, Colombia, the Congo, Côte d'Ivoire, the Democratic

Republic of the Congo, Egypt, Ethiopia, the Gambia, Guinea-Bissau, Kenya, Malawi, Malaysia, Mali, Mauritania, the Niger, Nigeria, Rwanda, the Sudan, Swaziland, the Syrian Arab Republic, the United Republic of Tanzania and Zambia had become sponsors of the draft resolution, announced a number of revisions. In the first preambular paragraph, the word "created" should be replaced by the word "established" and, in the second, the word "*Appreciating*" by the words "*Taking note of*". A new preambular paragraph should then be inserted, with the following wording:

> "*Recalling* its resolution 57/190 of 18 December 2002 in which it requested the Secretary-General to undertake a comprehensive assessment of the scope and effectiveness of the United Nations system of response, including recommendations for strengthening, mainstreaming, integrating and sustaining these activities, to the issue of children affected by armed conflict".

56. The next preambular paragraph — which had previously been the third but had become the fourth — should be followed by two new preambular paragraphs, with the following wording:

> "*Recognizing* the progress achieved since the establishment of the mandate of the Special Representative and the recommendation by which the Secretary-General extended the mandate of the Special Representative for Children and Armed Conflict for a further period of three years,
>
> "*Commending* the support for and the voluntary contributions by donor countries to the work of the Special Representative in the fulfilment of his mandate".

57. The remaining two preambular paragraphs and paragraph 1 would remain unchanged. A new paragraph 2 would have the following wording:

> "2. *Urges* the Special Representative of the Secretary-General for Children and Armed Conflict during his mandate to visit those areas that are specified in his report as having not been visited yet where the situation of children continues to be grave."

58. **Ms. Groux** (Switzerland) said that she was concerned at the way in which attempts were being made to adopt the draft resolution without taking account of the requirement in rule 153 of the rules of procedure of an estimate of expenditures. She requested the Chairman to clarify the procedure to be followed.

59. **Mr. Rowe** (Sierra Leone), said that, while he recognized the efforts of the Programme Planning and Budget Division, in the absence of a written statement on the programme budget implications, the representative of the Programme Planning and Budget Division should make an oral statement, providing the details requested, including information on the financial situation of the Office of the Special Representative. It was undoubtedly crucial for the Programme Planning and Budget Division to inform the Committee on the financial implications.

60. **Mr. Thatchaichawalit** (Programme, Planning and Budget Division) said that he did not yet have such detailed information, but assured the Committee that his office would provide a written statement at a later stage. He could, however, confirm that the estimate amounted to $5.6 million.

61. **The Chairman** asked whether the written statement could be presented by the end of the current work day.

62. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) said he could not make such a commitment, given the lateness of the hour.

63. **Mr. Rojas** (Chile) suggested that the Committee should adopt the approach taken on a previous occasion, namely, to take a decision based on the assumption that the Fifth Committee would later review the budgetary aspects of the issue.

64. **Ms. Ramírez** (Costa Rica), supporting that proposal, said that in order to avoid further delays, the Committee should take action on the draft resolution.

65. **Ms. Groux** (Switzerland) noted that the example cited by the representative of Chile had been extremely detailed, unlike the present case. She believed the Committee should be given further documentation on how the estimate of $5.6 million had been arrived at.

66. **Ms. Mohamed Ahmed** (Sudan) joined previous speakers in their request for the representative of the Programme Planning and Budget Division to make an oral statement on the programme budget implications, or to indicate when the Committee could expect to receive a written statement.

67. **Mr. Andrabi** (Pakistan) said that the Committee could deduce that the expected budget outlay ranged from $4 million to $6 million. It was therefore possible to take a decision on the draft resolution since, at the present stage, the Committee was simply considering the need for the Office of the Special Representative to be provided with such resources. Even in the absence of a precise figure the Committee would be able to take appropriate action, leaving the budgetary and financial aspects to be considered in other forums.

68. **Mr. Konfourou** (Mali) said he believed that the current process of presenting the programme budget implications lacked transparency.

69. **Mr. Schurti** (Liechtenstein), following on the statement made by the delegation of Switzerland, asked whether the representative of the Programme Planning and Budget Division would be able to provide a written statement by Friday, 28 November.

70. **Ms. Zack** (United States of America) said her delegation agreed, that the matter should be referred to the Fifth Committee for appropriate consideration, as stated in document A/C.3/58/L.84. Under rule 153 of the rules of procedure, in order for the Committee to proceed with the consideration of the draft resolution, a more detailed statement on the programme budget implications was imperative.

71. **Mr. Rowe** (Sierra Leone) repeated his proposal that the representative of the Programme Planning and Budget Division should make an oral statement on the programme budget implications, and that a written statement would later be issued for consideration by the Fifth Committee.

72. **Ms. Chatsis** (Canada) shared the concerns of various delegations, including Switzerland, the United States and Liechtenstein, with respect to taking further action without a detailed statement on the programme budget implications. It was clear that the central issue of the draft resolution fell within the competence of the Fifth Committee. Further details to establish the basis on which calculations had been made were therefore crucial. In that regard, her delegation was interested in knowing whether the stated estimate had been based on the current or future needs of the Office of the Special Representative.

73. **Mr. Choi** (Australia) said that his delegation supported the statement made by the representative of Canada. He noted that the representative of the Programme Planning and Budget Division had undertaken to provide a written statement. Despite concerns about punctuality in the presentation of such statements, in his opinion the Programme Planning and Budget Division should be accorded due courtesy to provide the statement at the earliest stage possible.

74. **Ms. Astanah Banu** (Malaysia) said her delegation deeply regretted the manner in which the debate had evolved. The Programme Planning and Budget Division had been granted more than three weeks in which to provide a statement on programme budget implications, and it was therefore now incumbent upon the Division to reciprocate that courtesy by furnishing an appropriate document that would enable the Committee to take further action. Her delegation wished to have a clear reply on the prognosis for the delivery of the awaited statement, since it was imperative to take action on the draft resolution.

75. **Mr. Andrabi** (Pakistan) said that he fully agreed with the Malaysian representative regarding the need for an estimate of expenditures under rule 153. However, the representative of the Programme Planning and Budget Division had indeed provided an estimate ranging between $4 million and $6 million. It was therefore within the competence of the Committee to act on that basis.

76. **Mr. Felix** (Dominican Republic) said he supported the proposal made earlier by the representative of Chile. The Committee should take action on the draft resolution, bearing in mind the $5.6 million estimate indicated by the Programme Planning and Budget Division.

77. **Mr. Mulyana** (Indonesia), speaking on behalf of the sponsors of the draft resolution, said that in the new paragraph 2 proposed by Gabon, either the phrase "with the consent of the host country" or the phrase "upon the invitation of the host country" should be added to the end of the sentence.

78. **Ms. Mohamed Ahmed** (Sudan) reiterated her delegation's deep concern and said that it was incomprehensible why the statement on programme budget implications varied from the ones normally presented. She again asked when the Programme Planning and Budget Division would provide the information requested.

79. **Ms. Groux** (Switzerland) said that, if the matter were referred to the Fifth Committee for consideration, the Third Committee would no longer be bound by rule 153 of the rules of procedure. She therefore suggested that an oral decision would suffice.

80. **Ms. Zack** (United States of America) supported the proposal made by Switzerland. However, if the Committee decided to proceed, her delegation wished to reiterate its position on the requirement for a written statement on programme budget implications.

81. **Ms. Ramírez** (Costa Rica), supported by **Mr. Cabral** (Guinea-Bissau), noted that the programme budget implications would be discussed later in the plenary Assembly. Consequently, there was no impediment to adopting the draft resolution at the current meeting.

82. **Ms. Khalil** (Egypt) said her delegation believed that the Committee should not defer the matter to the Fifth Committee for action. She further insisted that the Programme Planning and Budget Division should make a commitment to present a detailed statement at the next meeting of the Committee.

83. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) stated that he was unable to make a commitment regarding the timing of the statement on programme budget implications, and would need to engage in further consultations.

84. **Ms. Al Haj Ali** (Syrian Arab Republic) expressed the deep concern of her delegation that the Programme Planning and Budget Division could not respond to the Committee's request. It seemed unacceptable that the representative of the Programme Planning and Budget Division, having stated the specific sum of $5.6 million, would be unable to provide an estimate by the next meeting.

85. **Mr. Rowe** (Sierra Leone) said he wondered whether the representative of the Programme Planning and Budget Division would be willing to make a formal statement along the lines of his delegation's earlier proposal.

86. In response to a request by **Ms. Astanah Banu** (Malaysia), the Chairman said that the representative of the Programme Planning and Budget Division had followed the discussions of the Committee with keen interest, and was aware of the prevailing sentiment. He urged the Programme Planning and Budget Division to provide a document on the programme budget implications, rather than a document based on estimates. Failure to do so by Friday, 28 November, would encourage the Committee to act in the manner it deemed appropriate.

87. **Ms. Mohamed Ahmed** (Sudan) assured the Chairman that all delegations would assume their responsibility in taking the action on the draft resolution at the next meeting.

The meeting rose at 6.20 p.m.

United Nations A/C.3/58/SR.59

General Assembly
Fifty-eighth session

Official Records

Distr.: General
15 December 2003

Original: English

Third Committee

Summary record of the 59th meeting
Held at Headquarters, New York, on Friday, 28 November 2003, at 10 a.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 113: Promotion and protection of the rights of children (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-63335 (E)
0363335

The meeting was called to order at 10.20 a.m.

Agenda item 113: Promotion and protection of the rights of children (*continued*) (A/C.3/58/L.23/Rev.1, L.28 and L.83)

Draft resolution A/C.3/58/L.28: Office of the Special Representative for Children and Armed Conflict

1. **The Chairman** said that the following countries had joined in sponsoring the draft resolution: Benin, Burkina Faso, Cameroon, Colombia, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Denmark, Egypt, Ethiopia, the Gambia, Germany, Guinea-Bissau, Kenya, Malawi, Malaysia, Mali, Mauritania, the Niger, Nigeria, Rwanda, the Sudan, Swaziland, the Syrian Arab Republic and the United Republic of Tanzania.

2. **Mr. Mulyana** (Indonesia) wished to know the number of operative paragraphs in the draft resolution.

3. **Mr. Moungara-Moussotsi** (Gabon) confirmed that there was only one operative paragraph. On behalf of the sponsors, he said that the many conflicts in the world, especially in Africa, involved child combatants, in violation of international human rights law. The Office of the Special Representative for Children and Armed Conflict, which had been created to spare children from the trials and tribulations of deadly armed conflict, had been experiencing financial difficulties because, unlike other departments in the United Nations system, it depended entirely on voluntary contributions. Moreover, those contributions, amounting to $1.9 million, were not sufficient to cover the some $4 million needed to meet the needs of the Office. Financial stability was necessary to ensure that the Office could properly carry out its mandate and maintain a permanent staff.

4. The draft resolution called for the Office of the Special Representative for Children and Armed Conflict to be supported, like the Office for the Coordination of Humanitarian Affairs and the Office of the High Commissioner for Human Rights, by both voluntary contributions and regular budgetary funding. If its adoption were delayed, it would not be possible to obtain the necessary resources, because the 2003-2004 biennial budget was currently being discussed by the Fifth Committee.

5. **Mr. Cabral** (Guinea-Bissau), taking note of the statement made by the representative of the Programme Planning and Budget Division at the previous meeting, said that his delegation was dumbfounded by the fact that he had not taken into account any of the previous discussions by delegations and was perplexed by his relaxed attitude. Each delegation had wanted specific information for guidance and at least some preliminary figures. Instead, the representative of the Programme Planning and Budget Division had fallen back on a text that he had read out at the previous meeting. His delegation wished to stress its dissatisfaction with the position of the Programme Planning and Budget Division, because it had not met its obligation to provide delegations with the information necessary to make decisions. He hoped that the statement by the Programme Planning and Budget Division would not have a negative impact on the adoption of the draft resolution. It was imperative that the Programme Planning and Budget Division should provide reliable figures.

6. **Ms. Sonaike** (Nigeria) commended the work of the Office of the Special Representative and affirmed her delegation's full support for the draft resolution. She recalled his report to the General Assembly and the graphic film presentation on children and armed conflict. The question of child conscription must not be trivialized, as the Committee was doing. The Committee had a duty to children, particularly those in conflict areas, to adopt the draft resolution and to strengthen the Office of the Special Representative.

7. **Mr. O'Neil** (United Kingdom of Great Britain and Northern Ireland), speaking in explanation of vote before the voting on behalf of Belgium, Denmark, Finland, Germany, Luxembourg, the Netherlands, Poland, Sweden and his own delegation, said that they continued to attach the highest importance to the General Assembly's mandate for children and armed conflict, as demonstrated through their political, moral and considerable financial support for that mandate at all levels of the United Nations system. The international community must build on its commitment to protect children in armed conflict and help the United Nations system to respond to the needs of children on a sustainable basis.

8. The draft resolution, however, would undermine the effectiveness of future United Nations responses, for four key reasons. First, the draft resolution prejudged the Secretary-General's forthcoming report

on children and armed conflict. Secondly, there was currently no urgency or need for a resolution, given that the Office of the Special Representative was able to function until June 2004, thereby allowing ample time for the Secretary-General's report to be considered and acted on. Thirdly, the draft resolution promoted divisions by failing to address the whole United Nations system, including key players such as UNICEF and the Department of Peacekeeping Operations. Finally, he believed that the Fifth Committee was the proper place to consider a draft resolution that touched exclusively on budgetary matters.

9. Their delegations were confident that the Secretary-General's report would help Member States to take stock of progress and determine future priorities. Although the draft resolution was well intended, they believed that it was misplaced. For the foregoing reasons, the delegations for which he spoke felt compelled to vote against the draft resolution.

10. **Mr. Fox** (United States of America) praised the Office of the Special Representative for its commitment to the protection of children in armed conflict, particularly in countries mentioned in his annual report. He regretted, however, that the sponsors of the draft resolution were unwilling to wait for the forthcoming report of the Secretary-General, which would provide a comprehensive assessment of the United Nations system's response to children affected by armed conflict. He also regretted that the report had not yet been submitted; that should be done as soon as possible. Meanwhile, however, the action requested by the sponsors of the draft resolution was premature. His delegation believed that the part of the draft resolution pertaining to financing the mandate fell within the purview of the Fifth Committee and should not be raised in the Third. Furthermore, the mandate should continue to be voluntarily funded. It was not anticipated that the mandate would be permanent, or even long term. Therefore, his Government must vote against the draft resolution.

11. **Ms. Tejima** (Japan), speaking in explanation of the vote before the voting, said that her delegation could not support the funding of any United Nations organ through the regular budget without proper discussion and assessment. The fact that the Office of the Special Representative was the only organ in the United Nations system dealing with children in armed conflict that was supported through voluntary contributions reflected its specific and even limited role, which could be integrated into other bodies or suspended. Furthermore, her delegation could not accept any resolution that might prejudge the Secretary-General's forthcoming comprehensive assessment of the United Nations system's response.

12. Her Government attached great importance to the issue of children in armed conflict and had been providing humanitarian and development assistance to countries such as Afghanistan, Sri Lanka and Sierra Leone. While she appreciated the achievements made thus far by the Special Representative, her Government doubted whether the Office should be strengthened or continue to be an independent organ. To tackle other more pressing and complex issues related to children in armed conflict, such as disarmament, demobilization and reintegration and the commercial sexual exploitation of children, the Office of the Special Representative should be integrated into relevant United Nations organs such as UNICEF, and advocacy and field activities should be carried out interdependently through a strengthened United Nations system response as a whole.

13. Her delegation regretted that the draft resolution had been introduced without in-depth consultations or a comprehensive assessment; indeed, it should not have been introduced in the first place. Japan would therefore be voting against it.

14. **Ms. Otiti** (Uganda) said that her delegation attached great importance to all efforts made to end the involvement of children in armed conflict. She regretted, however, that for political reasons the Special Representative had ignored the plight of children in many parts of the world, including northern Uganda, as was shown by his report (A/58/328). She also regretted that language introduced by her delegation into the draft resolution, which called on the Special Representative to visit the areas that he had never visited, had been withdrawn. Her delegation therefore found it tragic that the operations of the Office of the Special Representative would be funded without an appeal to the Special Representative to visit the areas that he had ignored. She would therefore abstain and regretted that her delegation could not join the consensus.

15. **Ms. Maillé** (Canada) said that her Government was strongly committed to addressing the plight of children in armed conflict, as was shown by Canada's

chairmanship of the donor group of the Office of the Special Representative. She deeply regretted, however, that the Committee was taking action without a thorough understanding of the situation. Her delegation therefore felt compelled to vote against the draft resolution. The issue must be addressed in a comprehensive manner to best support the United Nations system in its efforts.

16. **Mr. De Alba** (Mexico) affirmed his delegation's support for the work of the Special Representative, and would be voting in favour of the draft resolution. He was puzzled at the way the Secretariat had conducted its work and wished to highlight the inadequate conditions under which the Committee was taking its decisions, in the hope that such a situation would not repeat itself. With respect to paragraph 1 of the draft resolution as orally revised, regular budgetary funding of the Office should not rule out further voluntary contributions, as there was a need for many resources. He hoped that the Fifth Committee would be better informed and that the Secretariat would provide the necessary detailed information after a decision was made in the Third Committee.

17. **Ms. Groux** (Switzerland) associated her delegation with the statements made by the representatives of Canada and the United Kingdom.

18. *A recorded vote was taken on draft resolution A/C.3/58/L.28.*

In favour:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, France, Gabon, Ghana, Guatemala, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Sierra Leone, Singapore, Slovenia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Belgium, Bosnia and Herzegovina, Canada, Denmark, Finland, Georgia, Germany, Iceland, Israel, Japan, Lithuania, Luxembourg, Netherlands, Poland, Republic of Moldova, Romania, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Argentina, Bahamas, Belarus, Brazil, Bulgaria, Burundi, Croatia, Czech Republic, Estonia, Hungary, India, Mongolia, New Zealand, Norway, Panama, Paraguay, Portugal, Republic of Korea, San Marino, Serbia and Montenegro, Slovakia, Spain, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Uruguay, Venezuela.

19. *Draft resolution A/C.3/58/L.28 was adopted by 106 votes to 21, with 29 abstentions.*

20. **Ms. Rødsmoen** (Norway) stressed that her delegation's abstention should in no way be construed as a lack of commitment to the work of the Special Representative and his Office. Her delegation looked favourably at support for the Office through regular budgetary funding to avoid financial instability and any adverse impact on work to be done. She eagerly awaited the forthcoming comprehensive assessment of the United Nations system's response, which she believed would be valuable. Norway did not wish to diminish the flexibility of that response or prejudge the assessment before it was submitted, and therefore did not find it expedient to endorse the draft resolution.

21. **Ms. Pulido-Santana** (Venezuela) regretted that her delegation had had to abstain because of the budgetary implications of the draft resolution. Her delegation had always supported the work of the Special Representative. She hoped that voluntary contributions to his Office would continue and that the issue of funding would be duly considered in the Fifth Committee.

22. **Mr. Schurti** (Liechtenstein) agreed in principle that the Office of the Special Representative should be supported through regular budgetary funding. He was disappointed and puzzled, however, at the timing of the draft resolution and the unusual manner in which it had been presented. He feared that the Committee was "putting the wagon before the ox" and wondered how the Fifth Committee could make an informed decision before it had an opportunity to study the comprehensive assessment requested in General Assembly resolution 57/190.

23. **Ms. Carvalho** (Portugal) said that her delegation attached great importance to the issue of children and armed conflict, an issue that had first been debated in the Security Council during Portugal's presidency, in 1998. Her delegation believed, however, that the presentation of the draft resolution was ill-timed and that action should be taken only after consideration of the comprehensive assessment of the United Nations system's response.

24. **Ms. Tomič** (Slovenia) said that her delegation had reservations regarding the decision-making process; however, in order to show its support for the work of the Special Representative, it had voted in favour of the draft resolution on the understanding that no precedent would be set regarding the Fifth Committee's consideration thereof.

25. **Ms. Khalil** (Egypt) asked which delegation had requested a recorded vote on the draft resolution.

26. **The Chairman** replied that the recorded vote had been requested by the delegations of the United States of America and Japan.

Draft resolution A/C.3/58/L.23/Rev.1 entitled "Importance of the role of parents in the care, development and well-being of children", and amendments thereto in document A/C.3/58/L.83

27. **Ms. Elisha** (Benin), speaking on behalf of the sponsors, announced that Malawi, Swaziland, Algeria and Cape Verde had withdrawn their sponsorship and that the United States of America and Haiti had become sponsors.

28. Amendment 1 in document A/C.3/58/L.83 would amend the title of draft resolution A/C.3/58/L.23/Rev.1 by adding a comma and the words "legal guardians and other caregivers in the promotion and protection of the rights of the child and" after the word "parents". However, the word "parents" in the draft resolution was meant to be interpreted broadly as including single parents, parents in polygamous families, legal guardians and all other caregivers. Moreover, the proposed amendment would distort the meaning of the original title by stressing the promotion and protection of the rights of the child rather than the role of parents.

29. Amendment 2 in document A/C.3/58/L.83 would reaffirm the human rights instruments which were recalled in the first preambular paragraph of the draft resolution and would add a reference to the Convention on the Elimination of All Forms of Discrimination against Women; the original language was preferable since the intent of the draft resolution was to focus not on the rights of parents, but on their role. The two new preambular paragraphs proposed in amendment 3 were equally unacceptable since they stressed the rights of the child rather than the role of parents and included an exhaustive definition of the family, which was unnecessary since children were raised by their extended families in many countries, including those of Africa. Amendments 4, 5 and 6 were amply covered by the fifth preambular paragraph and paragraphs 2 and 3 of the draft resolution, respectively. Apparently, the sole purpose of all the proposed changes was to alter the original intent of the draft resolution by filling it with references to the rights of the child.

30. A total of 21 paragraphs of the original text of the draft resolution (A/C.3/58/L.23) had been deleted or amended in order to accommodate the sponsors of the proposed amendments in document A/C.3/58/L.83; in retrospect, those concessions appeared excessive since 17 delegations, 10 of them from Latin American countries, had then proposed additional amendments designed to try the patience of the sponsors to its limit.

31. She urged delegations not to fall into the trap of the "agreed language" argument used by the sponsors of the proposed amendments or to permit the sabotage of a draft resolution which paid tribute to those who bore the heavy responsibility of child-rearing. Unless the proposed amendments were withdrawn, she would call for a recorded vote on amendment 1 in document A/C.3/58/L.83 and for a second recorded vote on amendments 2-6.

32. **The Chairman** announced that Bangladesh and Gabon had become sponsors of the draft resolution.

33. **Mr. Begg** (New Zealand) said that he deeply regretted the call for a recorded vote on the

amendments in document A/C.3/58/L.83. The sponsors of the proposed amendments, including his own delegation, endorsed the views expressed in the draft resolution; their concerns focused on what had been left unsaid. They had displayed great flexibility, negotiated for hours and made many proposals based on agreed language; while many of those proposals had been accepted, the most important had been rejected.

34. He failed to understand why the sponsors were unwilling to reaffirm the Convention on the Rights of the Child, which was the most widely ratified human rights instrument and the source of most treaty language on the rights, duties and responsibilities of parents; failure to include such a reaffirmation would suggest an attempt to elevate parents' rights above those of children. The representative of Benin had maintained that the draft resolution had nothing to do with human rights, yet its paragraph 2 reaffirmed that parents had the right to choose the kind of education given to their children while making no mention of children's right to an education. The rights of the child were inherent; they were not derived from those of the parent, as the draft resolution implied.

35. The sponsors of the draft resolution were also reluctant to accept the second new preambular paragraph proposed by amendment 3 in document A/C.3/58/L.83 despite the fact that it reproduced the language of paragraph 15 of the document "A world fit for children" (A/S-27/19/Rev.1), adopted by consensus in May 2002 at the special session of the General Assembly on children, and also appeared in recently adopted resolutions of the Committee and of the Commission on Human Rights; similar formulations had been agreed in the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the Copenhagen Declaration on Social Development.

36. It was hardly the time to adopt a resolution implying that the only form of family acceptable for raising children was the nuclear family. Just two days previously, UNICEF had predicted that by the end of the decade, 20 million children in Africa alone would be orphaned by human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS); the majority of AIDS orphans were raised by their extended families or by older siblings. The reference to their plight in the sixth preambular paragraph of the draft resolution was not enough; moreover, by stating that parents had the unique duty to raise their children, paragraph 1 had the unfortunate and, he hoped, unintended implication that no one else had that duty, even in the parents' absence.

37. The proposed amendments contained no hidden agenda or ulterior motive; they represented agreed language and their sponsors' desire to acknowledge the role of the extended family in child-rearing. He urged delegations to adopt them and hoped that the draft resolution, with the incorporation of those amendments, would then be adopted by consensus. Lastly, he announced a revision of amendment 6 in document A/C.3/58/L.83: the proposed text should be added as a new paragraph 3 bis, without replacing paragraph 4 of the draft resolution.

38. **Ms. Corkery** (United States of America) said that the proposed amendments would erode the core principles of the draft resolution, which was a necessary and long-overdue affirmation of the role of parents. The draft resolution had already been significantly amended and she hoped that it would be adopted by consensus without the incorporation of the proposed amendments.

39. **Mr. Roshdy** (Egypt) said that the representative of New Zealand was well aware that, under rule 130 of the rules of procedure, if the proposed amendments were adopted by a recorded vote, the draft resolution could not be adopted by consensus. A total of 64 amendments to the original text of the draft resolution (A/C.3/58/L.23) had been proposed; they had later been combined into 16 proposals, of which the sponsors had accepted 12. By submitting document A/C.3/58/L.83, the sponsors of the proposed amendments had demonstrated a lack of good faith.

40. The proposed amendments could have been included in any of the Committee's draft resolutions on children; there was no need to incorporate them into the first draft resolution on the role of parents which had ever been submitted. If their sponsors' intent had been to make it clear to the international community that the United Nations was divided on the issue of the role of parents, he congratulated them on having achieved their goal. He would vote against the proposed amendments and would regret it if the draft resolution could not be adopted by consensus.

41. **Mr. Cabral** (Guinea-Bissau) said that he associated himself with the statement made by the representative of Benin; her frustration was explained by the representative of Egypt's remarks. Delegations

should be aware that the sponsors of the draft resolution had done their utmost to arrive at a consensus text; it was difficult to understand why efforts had been made to change even the title of the draft resolution and to diminish its intent, which was not to define the term "parents" but rather to reaffirm their role in their children's development.

42. It was true that the proposed amendments reflected language agreed in previously adopted documents; however, that did not mean that that language was appropriate in the context of the draft resolution under consideration. He would have no objection to drafting another resolution reflecting the legitimate concerns expressed in the proposed amendments at a later date.

43. **Ms. Elisha** (Benin) announced that Myanmar had become a sponsor of the draft resolution. Furthermore, although the delegation of Lesotho had informed her that it had been mistakenly listed as a sponsor of the draft resolution, the list of sponsors had in fact been signed by the Permanent Representative of Lesotho.

44. **Mr. Maquieira** (Chile) said that as a sponsor of the proposed amendments, he endorsed the statement made by the representative of New Zealand. The intent was not to weaken the draft resolution, but rather to complement and strengthen it in the spirit of the progressive development of the rights of the parent and the child.

45. **Ms. Groux** (Switzerland) said she was amused by the representative of Egypt's complaint regarding the large number of proposed amendments to the draft resolution, since he himself had once proposed a full 53 amendments to another draft resolution.

46. The sponsors of the proposed amendments had spent days in an attempt to propose constructive language that would enrich the draft resolution and ensure its consistency with the obligations assumed by the States parties to the Convention on the Rights of the Child and by all the Member States, which had adopted the document "A world fit for children" by consensus.

47. **Ms. Moteetee** (Lesotho) reiterated her delegation's desire to withdraw its sponsorship of the draft resolution.

48. **Ms. Taracena Secaira** (Guatemala) said that she associated herself with the statements made by the representatives of New Zealand, Chile and Switzerland; it was not their intention to sabotage the draft resolution; rather, they wished to complement and strengthen it.

49. **Ms. Uluiviti** (Fiji) said that, as a sponsor of the draft amendments, she endorsed the statement made by the representative of New Zealand. It was her understanding that the draft resolution was intended to give needed leverage to vulnerable groups; she would therefore have preferred to have its title refer to the "role, responsibilities and duties of parents" and to reflect the agreed language of the conventions and outcome documents painstakingly negotiated in recent years. Since her Government had adopted new legislation reflecting the indigenous nature of parenting in Fiji, she would also have liked to see the inclusion of a reference to caregivers, legal guardians and others with responsibility for child-rearing. She regretted that a draft resolution on the rights of children and the integrity of the family must be put to a vote, and she called on delegations to uphold the agreed principles embodied in the proposed amendments.

50. **Mr. García González** (El Salvador) said that he associated himself with the statements made by other sponsors of the proposed amendments and supported the inclusion of agreed language reflecting all the United Nations conventions on vulnerable persons.

51. **Mr. Rowe** (Sierra Leone) said that the amendments in document A/C.3/58/L.83 complicated the provisions of the draft resolution rather than complementing them, and tended to create a conflict of roles between the parent and the family. The purpose of the original draft resolution A/C.3/58/L.23 had not been to define concepts such as the family and parenthood. In Africa there was respect for the role of those who took care of children; perhaps nowhere in the world was the concept of the extended family more important. The provisions of draft resolution A/C.3/58/L.23/Rev.1 should be retained, and the proposed amendments rejected.

52. **Mr. Dhakal** (Nepal) said that his delegation appreciated both the initiative of Benin on behalf of the sponsors of draft resolution A/C.3/58/L.23/Rev.1 and the efforts of New Zealand in proposing the amendments. However, both sides should have demonstrated the flexibility necessary to improve the text, and his delegation would like to see the Committee adopt the draft resolution by consensus in

order to send a clear message regarding the protection of the rights of the child.

53. **Mr. Roshdy** (Egypt), speaking in explanation of vote before the vote, said that his delegation would vote against the proposed amendments, not just because they were irrelevant to the subject of the draft resolution but also because it would be the only way to ensure that the draft resolution was adopted by consensus.

54. **Ms. Mohamed Ahmed** (Sudan) thanked the delegation of Benin for its initiative and said that the proposed amendments diluted the ideas contained in the draft resolution and destroyed its main thrust, which was the importance of the role of parents in the upbringing of children. Her delegation would therefore vote against all the amendments.

55. **Mr. Alaei** (Islamic Republic of Iran) said that his delegation would vote against all the proposed amendments, mainly because they would deviate from the core concept of the draft resolution, but also because they would have the effect of complicating, not complementing the text, as the representative of Sierra Leone had pointed out.

56. **The Chairman** invited the Committee to take action on the amendments proposed in document A/C.3/58/L.83, noting that a separate vote would first be held on amendment 1 regarding the title of the draft resolution.

57. *A recorded vote was taken on amendment 1.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Gabon, Ghana, Guinea-Bissau, Haiti, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritius, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sudan, Syrian Arab Republic, Togo, United Arab Emirates, United Republic of Tanzania, United States of America, Yemen, Zambia, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Armenia, Barbados, Belize, Bhutan, Botswana, Ethiopia, Guyana, Honduras, India, Israel, Jamaica, Kuwait, Lebanon, Maldives, Mali, Mongolia, Mozambique, Saint Lucia, South Africa, Suriname, Swaziland, Uganda, Viet Nam.

58. *Amendment 1 was adopted by 72 votes to 54, with 25 abstentions.*

59. **Ms. Elisha** (Benin) said that she regretted the outcome of the vote, and that it was rare indeed for delegations to come together and change the thrust of a draft resolution by changing its title.

60. **The Chairman** invited the Committee to take action on amendments 2-6.

61. *A recorded vote was taken on amendments 2-6.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay,

Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, China, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Gabon, Guinea-Bissau, Haiti, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syrian Arab Republic, Togo, United Arab Emirates, United States of America, Yemen, Zambia, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Belarus, Belize, Botswana, Ethiopia, Ghana, Guyana, India, Israel, Jamaica, Lesotho, Malawi, Mali, Mauritius, Mozambique, Namibia, Saint Lucia, Singapore, South Africa, Suriname, Swaziland, Uganda, United Republic of Tanzania, Viet Nam.

62. *Amendments 2-6 were adopted by 77 to 48, with 26 abstentions.*

63. **Ms. Kapalata** (United Republic of Tanzania), said she regretted that the Committee had been compelled to vote on agreed language. Her delegation had reluctantly abstained in the vote, purely because of the nature of the debate that had preceded it. The draft resolution was about the role of the parents, not necessarily the rights of the child, about which there was already an omnibus resolution before the Committee.

64. **Mr. Andrabi** (Pakistan) said that his delegation had co-sponsored draft resolution A/C.3/58/L.23 and had very reluctantly sponsored the revised draft because of the importance it attached to the development of children and the role of parents in that regard. Even though the new amendments had been drawn from agreed language, they had also been taken out of context, thereby fundamentally changing the orientation of the text. Pakistan was therefore compelled to withdraw its co-sponsorship, and would abstain in the forthcoming vote on the draft resolution as further amended.

65. **Ms. Al Haj Ali** (Syrian Arab Republic), supported by Rwanda, noted that her delegation had voted against the amendments in document A/C.3/58/L.83.

66. **Mr. Al-Bader** (Qatar), **Mr. Oubida** (Burkina Faso), **Mr. Ileka** (Democratic Republic of the Congo), **Mr. Roshdy** (Egypt), **Mr. Giorgis** (Eritrea), **Mr. Moungara-Moussotsi** (Gabon), **Ms. Gordon** (Haiti), **Ms. Thandar** (Myanmar), **Ms. Sonaike** (Nigeria), **Ms. Faye** (Senegal), **Ms. Msadabwe-Lambart** (Zambia), and **Mr. Kitchen** (Zimbabwe) said that their delegations would withdraw as sponsors of draft resolution A/C.3/58/L.23/Rev.1.

67. **Mr. Nsemi** (Congo), **Ms. Naz** (Bangladesh), **Mr. Nkingiye** (Burundi) and **Ms. Rahantabololo** (Madagascar) said that their delegations had voted against the amendments and wished to withdraw as sponsors of the draft resolution.

68. **Ms. Zhang** Meifang (China) said that her delegation regretted that the amendments to the draft resolution had substantially changed its title and content.

69. **Mr. Tidjani** (Cameroon), **Mr. Israfilov** (Azerbaijan), **Mr. Nsemi** (Congo), **Mr. Gba** (Côte d'Ivoire), **Mr. Gregoire** (Dominica), and **Mr. Moutari** (Niger) said that their delegations had voted against the amendments, would withdraw from the list of sponsors of draft resolution A/C.3/58/L.23/Rev.1, and would abstain in a vote on the revised draft resolution, as further revised.

70. **Mr. Gzllal** (Libyan Arab Jamahiriya) said that his delegation had voted against the amendments, not because it was against the paragraphs in the draft resolution referring to the various Conventions, to which his country was a party, but because it was against the amendments made to the draft resolution in general.

71. **Ms. Willson** (United States of America) said that her delegation would regretfully withdraw as a sponsor of the draft resolution. Her delegation could not accept the overemphasis given in the amended text to the Convention on the Rights of the Child or the assertion

that it must constitute the standard in the promotion and protection of the rights of the child. No single instrument set the exclusive standard for defining the rights and protections to be accorded to a nation's children. Her delegation therefore wished to propose further amendments to draft resolution A/C.3/58/L.23/Rev.1, as amended.

72. **The Chairman** said that the United States would have the opportunity to propose its amendments at a subsequent point.

73. **Mr. Zeidan** (Lebanon) said that, in view of the very disparate nature of the amendments, it was regrettable that a vote had been taken on an entire set. Thus, although his delegation had intended to support those parts of the amendments that strengthened the family and increased protection of the rights of children, it had ultimately refrained from taking action on the amendments taken as a whole.

74. **Ms. Zhang** Meifang (China) said that her delegation would abstain in a vote.

75. **Ms. Zoumanigui** (Guinea) said that, had her delegation been present during the vote, it would have voted against the amendments.

76. **Mr. Cabral** (Guinea-Bissau) said that the adoption of the amendments had distorted, if not destroyed, the aims of the draft resolution.

77. **Ms. Willson** (United States of America) said her delegation proposed the following oral amendments to draft resolution A/C.3/58/L.23/Rev.1, as amended. In the first preambular paragraph, the word "*Reaffirming*" would be replaced by the word "*Noting*". The second preambular paragraph would read, "*Emphasizing* that the Convention on the Rights of the Child, its Protocol on the sale of children, child prostitution and child pornography, its Protocol on the involvement of children in armed conflict, and other relevant instruments contain a comprehensive set of international legal standards for the protection and well-being of children and *reaffirming* that the best interest of the child shall be a primary consideration in all actions concerning children."

78. **Mr. Roshdy** (Egypt) said that his delegation was not ready to reflect on the proposed amendments and required 24 hours to do so, in accordance with rule 120 of the rules of procedure.

79. **Mr. Andrabi** (Pakistan) said that his delegation wished to propose two amendments to the revised draft resolution as amended by document A/C.3/58/L.83. The first, based on amendment 1 of that document, would insert in the title after the word "parents" the phrase "and, where applicable, members of the extended family". The second, based on the fifth preambular paragraph of the Convention on the Rights of the Child, would replace, in the third preambular paragraph, the words "basic unit" with the words "fundamental group" and would insert before the words "and as such" the phrase "and the natural environment for the growth of the child".

80. **Mr. García González** (El Salvador), supported by **Mr. Rowe** (Sierra Leone), said that, under rule 120 of the rules of procedure, his delegation would like to receive all the proposed amendments in writing.

81. **Mr. Cabral** (Guinea-Bissau), on a point of order, said that rule 120 should not be selectively applied. That rule also empowered the Chairman to permit discussion of amendments or procedural motions even if they had not been circulated.

82. **Mr. Roshdy** (Egypt), on a point of order, said that, given the mass withdrawal of sponsors of the original draft resolution and in the light of the proposed amendments to the revised draft resolution, of which there would doubtless be more and which would all need to be distributed in the six official languages before they could be considered, he proposed a no-action motion on the draft resolution.

83. *A recorded vote was taken on the no-action motion proposed by the representative of Egypt on draft resolution A/C.3/58/L.23/Rev.1, as further revised.*

In favour:

Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritius, Morocco, Myanmar, Namibia, Niger, Nigeria, Oman,

Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sudan, Suriname, Swaziland, Togo, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Abstaining:

Armenia, Belarus, Belize, Bolivia, Botswana, Jamaica, Mexico, Mozambique, Nicaragua, Russian Federation, Saint Lucia, South Africa, Uganda.

84. *The no-action motion proposed by Egypt was adopted by 66 votes to 63, with 13 abstentions.*

85. **Mr. Rowe** (Sierra Leone) said that the fact that the issue had been dropped did a great disservice to parents the world over.

86. **Ms. Mohamed Ahmed** (Sudan) thanked the delegation of Benin and the other sponsors for their initiative. The outcome of the proceedings had confirmed that the sponsors of document A/C.3/58/L.83, with its unwarranted amendments, had sorely undermined draft resolution A/C.3/58/L.23/Rev.1. Such a reaction to the role of parents by a United Nations body was lamentable.

The meeting rose at 1.30 p.m.

United Nations A/C.3/58/SR.60

General Assembly
Fifty-eighth session

Official Records

Distr.: General
16 December 2003

Original: English

Third Committee

Summary record of the 60th meeting
Held at Headquarters, New York, on Friday, 28 November 2003, at 3 p.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 113: Promotion and protection of the rights of children (*continued*)

Agenda item 115: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-63342 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 113: Promotion and protection of the rights of children (*continued*) (A/C.3/58/L.29/Rev.1)

Draft resolution A/C.3/58/L.29/Rev.1: Rights of the child

1. **Mr. De Barros** (Secretary), with regard to the financial provisions relating to the draft resolution, said that under paragraph 7, the General Assembly would inter alia request the Secretary-General to provide the special rapporteurs and special representatives of the United Nations system with appropriate staff and facilities from the United Nations regular budget in accordance with their respective mandates, and that pursuant to paragraph 50 (f), the General Assembly would inter alia request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the functions of the Committee on the Rights of the Child. Provisions for the activities of the special rapporteurs and representatives of the United Nations system and the Committee on the Rights of the Child had already been included in the programme budget for the current biennium as well as the proposed programme budget for the biennium 2004-2005. He drew the attention of the Committee to part B, section VI of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters fell under the authority of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

2. Pursuant to paragraphs 50 (d) and (e), the General Assembly would request inter alia the independent expert for the United Nations study on violence against children to conduct the study as soon as possible, would invite Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support for that study and would invite the independent expert to present an oral progress report to the General Assembly at its fifty-ninth session. It was the understanding of the secretariat that activities related to the study on violence against children would be financed from extrabudgetary resources.

3. **Ms. Borzi Cornacchia** (Italy), speaking on behalf of the European Union and the acceding countries, the Group of Latin American and Caribbean States and the other sponsors, stressed the importance of the draft resolution in reaffirming the commitment of the international community to defend the rights of children. The text before the Committee reflected the sponsors' efforts to accommodate the concerns of as many delegations as possible. Although compromises had been necessary, she hoped that the draft resolution would enjoy a broad consensus, as it had in the past. She regretted that the delegations of Antigua and Barbuda, Barbados and Guyana wished to withdraw their names from the list of sponsors.

4. **The Chairman** said that Albania, Bhutan, Bolivia, Burundi, El Salvador, Ethiopia, Fiji, Gabon, Japan, Kazakhstan, Lesotho, Mauritius, Mongolia, Morocco, Nepal, New Zealand, the Russian Federation, Rwanda, Switzerland, Thailand, Uzbekistan, Zambia and Zimbabwe had joined the list of sponsors.

5. **Ms. Tang** (Singapore) said she agreed that the draft resolution was an important one but regretted that the sponsors had not been able to take into account the concerns of her delegation with regard to paragraph 26 (b), which was not in keeping with the provisions of the Convention on the Rights of the Child; she also believed that the words "corporal punishment" had no place in paragraph 41 (c). Her delegation therefore requested recorded votes on paragraph 26 (b) and on the inclusion of the words "corporal punishment" in paragraph 41 (c) and would vote against in both cases.

6. **Ms. Bend** (Barbados) regretted that her delegation had been obliged to withdraw its sponsorship of the draft resolution. Unfortunately, the text contained elements about which there was no international consensus. Her delegation's decision to remove its name from the list of sponsors should not however be misconstrued as a lack of support for the main thrust of the resolution or for the need to protect the rights of the child.

7. **Mr. Critchlow** (Guyana) likewise regretted that his delegation had been forced to remove its name from the list of sponsors because the text of the draft resolution referred to issues such as corporal punishment about which there was no international consensus. His delegation nevertheless remained committed to the promotion and protection of the rights of children.

8. *A recorded vote was held on paragraph 26 (b).*

9. **Ms. Sonaike** (Nigeria), speaking in explanation of vote before the voting, said her delegation would vote against the retention of paragraph 26 (b). Corporal punishment was accepted in Nigerian culture and was an integral part of the educational system. It was not seen as an attack on the rights of children and there was no proof that it had lasting psychological effects on children.

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Jordan, Kazakhstan, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Niger, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Rwanda, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Antigua and Barbuda, Barbados, Botswana, Guyana, Malaysia, Nigeria, Sierra Leone, Singapore, United Republic of Tanzania, United States of America.

Abstaining:

Bahamas, Bahrain, Bangladesh, Benin, Brazil, Brunei Darussalam, Democratic Republic of the Congo, Gambia, India, Israel, Jamaica, Kenya, Madagascar, Myanmar, Oman, Pakistan, Republic of Korea, Saint Lucia, Saudi Arabia, Sudan, Togo, Uganda, United Arab Emirates.

10. *Paragraph 26 (b) was retained by 119 votes to 10, with 22 abstentions.**

11. **Mr. Rowe** (Sierra Leone) said his delegation had voted against paragraph 26 (b) in accordance with the opinion of the Commission on Human Rights that there were different degrees of corporal punishment. Corporal punishment could not automatically be considered to be violence against children when used as an instrument of discipline.

12. A recorded vote was held on the inclusion of the words "corporal punishment" in paragraph 41 (c).

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Ukraine,

* The delegations of Brazil and Suriname subsequently informed the Committee that they had intended to vote in favour.

United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Malaysia, Pakistan, Sierra Leone, Singapore, Suriname, United Republic of Tanzania.

Abstaining:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brunei Darussalam, Democratic Republic of the Congo, Gambia, Guyana, India, Israel, Jamaica, Kenya, Myanmar, Oman, Saint Lucia, Saudi Arabia, Senegal, Togo, Uganda, United Arab Emirates, United States of America.

13. *The words "corporal punishment" in paragraph 41 (c) were retained by 123 votes to 6, with 24 abstentions.**

14. **Mr. Kweon** Ki-hwan (Republic of Korea), referring to paragraph 26 (b), said that different circumstances required different approaches. Corporal punishment administered in a clear and firm manner could be necessary in the context of the formal education system and his Government had established rigorous and transparent guidelines for that purpose. His delegation had therefore abstained during the vote on paragraph 26 (b). Consequently, it had been unable to sponsor the draft resolution.

15. With regard to the words "corporal punishment" in paragraph 41 (c), his delegation was of the opinion that detention was a sufficiently severe form of punishment. In a situation where detainees were isolated from society, there was potential for abuse or misuse of authority and clear standards were necessary for the protection of the human rights of detainees. His Government had banned the use of corporal punishment in correctional facilities hence his delegation had voted to retain the words "corporal punishment" in paragraph 41 (c).

16. **Mr. Andrabi** (Pakistan) said that although his delegation had long been a defender of the human rights of children, it had abstained with regard to paragraph 26 (b) and had voted against the words "corporal punishment" in paragraph 41 (c); it had therefore been unable to become a sponsor of the draft resolution. Corporal punishment was legal in Pakistan, although not for juveniles; corporal punishment was discouraged in schools but was not expressly forbidden. His delegation nevertheless supported the overall thrust of the resolution and would vote in favour of it in accordance with its commitment to the protection of the rights of children.

17. **Ms. Naz** (Bangladesh) said her delegation had always been a strong defender of the human rights of children. Her Government had for example been among the first signatories to the Convention on the Rights of the Child and its Optional Protocols. Although her delegation had traditionally joined in sponsoring the draft resolution on the rights of the child, the sponsors had not been able to reflect her delegation's concerns in the current text and it was therefore unable to sponsor the draft resolution as it stood. She nevertheless wished to make clear her delegation's commitment to the protection of all the human rights of children everywhere.

18. **Ms. Ahmed** (Sudan) said that, as one of the first signatories of the Convention and an active participant in the special session on children, the Sudan regretted that it could not sponsor the draft resolution as it had done in previous years. It had suggested amendments to a number of paragraphs in the interests of adding balance to the draft, but they had been found unacceptable. The main fault in the resolution lay in its neglect of the holistic approach: only children's rights were mentioned, not their well-being, even though the latter was highlighted in the Convention. Too little stress had been laid on social development. It was also regrettable that negotiations on the text had started very late.

19. **Ms. Khalil** (Egypt) said that her delegation shared the concerns expressed by the previous speaker.

20. **Ms. Astanah Banu** (Malaysia) said that her delegation had submitted written proposals to the main sponsors of the draft resolution with a view to strengthening and streamlining it by eliminating unnecessary repetition of the language and content of the Convention, but the final text did not reflect the concerns that had been raised. Although Malaysia's commitment to the promotion and protection of children's rights was beyond question, her delegation could not sponsor the draft resolution as it stood. It would, however, vote in favour of the draft resolution in tribute to its spirit or intention.

* The delegation of Suriname subsequently informed the Committee that it had intended to vote in favour.

21. **Mrs. Sonaike** (Nigeria) said that, despite having voted against the inclusion of paragraph 26 (b), her delegation would vote for the draft resolution as a whole.

22. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/58/L.29/Rev.1 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

23. *Draft resolution A/C.3/58/L.29/Rev.1 was adopted by 159 votes to 1, with no abstentions.*

24. **Ms. Tang** (Singapore) said that her country had an excellent record on the provision of education, health and security for its children. Sovereign States had a right, however, to deal in their own way with discipline at home, at school and in penal institutions. Her delegation respected the views of those countries which believed that no form of physical chastisement was permissible, but the international community should not seek to micromanage States' affairs without considering the particular circumstances of each society. As for the provisions urging States to review reservations, the Vienna Convention on the Law of Treaties recognized the existence of permissible and impermissible reservations; under article 19 of the Convention, they were permissible unless incompatible with the object and purpose of the treaty concerned. It was therefore inappropriate for the draft resolution to call for a review of such reservations with a view to withdrawing them. The purpose of reservations was to enable as many countries as possible to accede to international treaties, and the trend on the part of some delegations of discouraging reservations would only discourage accession to the treaties themselves.

25. **Ms. Corkery** (United States of America), after welcoming the widespread interest in the welfare of children, expressed appreciation of the contribution made by many delegations to the measures to enhance the quality of children's lives. In framing the draft resolution, however, a more transparent and inclusive process would have been desirable; it was not appropriate for small groups to meet in closed session before — or in the early weeks of — the General Assembly and then to emerge relatively late with a lengthy and detailed text to which they were reluctant to allow changes. She welcomed the fact that the text incorporated wording from Commission on Human Rights resolution 2003/86 concerning parent-child contacts, the role of both parents and the right of both parents to have access to the child, but not enough account had been taken of the sovereign right of States

to determine, through legitimate democratic processes, whether or not to ratify the Convention. Her delegation would therefore have preferred the following wording for paragraph 1: "*Urges* States that have not yet done so to consider as a matter of priority signing and ratifying or acceding to the Convention on the Rights of the Child and its Optional Protocols and urges States Parties to implement them fully, while stressing that the implementation of the Convention and its protocols contributes to the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children". Nor could her delegation accept that any one treaty could constitute the exclusive standard for defining and protecting children's rights. Although her Government had a vast array of domestic legislation to that end and had ratified the two Optional Protocols, as well as being party to the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), the Convention on the Rights of the Child as a whole gave rise to concern under the United States system of federalism, as far as education, health and criminal justice were concerned. The separate states and local governments of the United States also set a different balance between the rights of children and the authority of parents. Her delegation would therefore have preferred to replace the second preambular paragraph by the agreed language adopted at the special session on children, which appeared as paragraph 29 of the document entitled "A world fit for children".

26. Concerning the death penalty for juvenile offenders, it was ultimately for States to decide themselves in accordance with their judicial and legislative process. The United States commitment to the rule of law meant that her delegation would have preferred to see, in place of the existing text of paragraph 41 (a), paragraph 44, subparagraph 8, of the document "A world fit for children", which could have acted as the basis of consensus. It would also have preferred to see the deletion of the references in paragraphs 8 and 44 to the International Criminal Court. She hoped that consensus could be achieved at the fifty-ninth session.

27. **Mr. Alaei** (Islamic Republic of Iran) said that his delegation had voted for the draft resolution on the basis of its general thrust. The text suffered, however, from an imbalance which should be rectified at future sessions.

28. **Ms. Borzi Cornacchia** (Italy), speaking on behalf of the European Union and the acceding countries, expressed regret at the suggestion that sponsors' meetings had not been inclusive. At least eight informal meetings had been held and every effort had been made to take every delegation's concerns into account. Flexibility had been harder to achieve only after the third reading of the text.

29. **Ms. Khalil** (Egypt) said that sponsors' meetings were usually held before open negotiations. In the current case, the eight meetings referred to had been held towards the end of the session, with the result that it had been necessary to extend the deadline for the submission of draft resolutions and a large element of flexibility had been lost.

30. **Ms. Astanah Banu** (Malaysia) said that, although the informal meetings might have been open and transparent, the concerns of many delegations had not been addressed.

Draft resolution (A/C.3/58/L.23/Rev.1): Importance of the role of parents in the care, development and well-being of children

31. **Ms. Al Haj Ali** (Syrian Arab Republic) said that, in the vote on whether the Committee should proceed with a decision on the draft resolution, her delegation had intended to vote in favour. The voting figures should therefore be amended.

32. **Ms. Elisha** (Benin) said that, in view of her delegation's request for a suspension of the meeting before the vote on the draft resolution, it would be preferable to annul the vote altogether and make a fresh start.

33. **The Chairman** said that the Committee would revert to the issue in due course.

Agenda item 115: Elimination of racism and racial discrimination: (*continued*)

(b): Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)

Draft resolution A/C.3/58/L.34: World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

34. **The Chairman** invited the Secretary of the Committee to read out an oral statement by the Director of the Programme Planning and Budget Division concerning the programme budget implications of the draft resolution.

35. **Mr. De Barros** (Secretary of the Committee) noted that in paragraph 11, the draft resolution called for additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully. By paragraph 37, the General Assembly would stress the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Programme of Action. By paragraph 38, the Assembly would inter alia call on the Office of the High Commissioner for Human Rights to accord priority to the work of the Anti-Discrimination Unit, including its proper and permanent staffing. The General Assembly had appropriated, for the biennium 2002-2003, the amount of $47,576,300 under section 24, Human rights. The proposed programme budget of $53,540,400 for the biennium 2004-2005 included a provision of $694,400 for the Committee on the Elimination of Racial Discrimination and $1,126,400 for the Durban Programme of Action.

36. He drew the attention of the Committee to the provision of part B, section VI of General Assembly resolution 45/248, in which the General Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

37. By paragraph 49, the Assembly would request the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session. The mandate of the Special Rapporteur would fall under the category of activities considered to be of a perennial nature. Provisions for activities of that nature had already been included in the programme budget for the current biennium and in the proposed programme budget for the biennium 2004-2005. Hence, no additional appropriation would be required as a result of the adoption of the draft resolution.

38. **Mr. Kadiri** (Morocco) said that after submitting draft resolution A/C.3/58/L.34, the Group of 77 and China had met informally several times to discuss with colleagues all their proposals and try to reach consensus. The sponsors had responded favourably to most of the proposals, as could be seen in the revised text circulated at the preceding meeting. The following revisions should be made to that text: the last preambular paragraph should be deleted. Paragraph 31 should be revised to read: "Welcomes the inaugural session of the group of independent eminent experts, held in Geneva from 16 to 18 September 2003, with the participation of representatives of Member States, the United Nations system and civil society and notes its substantive outcome, and, in this context, requests the High Commissioner for Human Rights to examine the possibility of the development of a racial equality index as proposed by the group of independent eminent experts and to report thereon to the Commission on Human Rights." He said that Mexico had become a sponsor of the draft resolution.

39. **Mr. Cavallari** (Italy), speaking on behalf of the European Union, requested a separate vote on paragraph 31 of the draft resolution contained in document A/C.3/58/L.34 as revised in the document distributed at the preceding meeting and orally revised by the representative of Morocco. The European Union had engaged in negotiations on the draft resolution in a desire to maintain the consensus achieved in Durban and the broad agreement reached at the fifty-seventh session of the General Assembly. The European Union appreciated the efforts of Morocco and the other sponsors to take on many of the European proposals; however, some essential elements of the European Union's suggestions, which had been aimed at bringing the language closer to the commitments undertaken in Durban, were not reflected in the text of the draft resolution. In particular, the European Union continued

to have difficulties with paragraph 31 as it stood in the document currently before the Committee. The European Union was fully committed to the implementation of the Durban Declaration and Programme of Action and would abide by its undertaking to follow up the action taken at Durban and subsequently elaborated at the fifty-seventh session of the General Assembly. The European Union agreed on the idea of examining the possibility of assessing inequality based on race, colour, descent, national or ethnic origin. Nonetheless, it could not accept without strong reservations the use of a racial equality index, as that would be contrary to the legislations of many of its members. Other less controversial methods of assessment could be applied to that sensitive issue, and in the course of the negotiations, the European Union had proposed some minor drafting changes. Since no agreement had been reached, he asked for the deletion of paragraph 31.

40. While regretting that it had not been able to agree on all the proposals made, the European Union recognized that many of its suggestions were reflected in the draft resolution. Consequently, although it had opposed part of the text, it would be able to support the draft resolution as a whole. In recognition of the efforts of all parties to cooperate on such a major issue, the European Union hoped that, in accordance with the Chairman's ruling of the previous week, it would be possible to adopt the draft resolution as a whole without a vote. The European Union reiterated its firm will to cooperate with all delegations in combating racism and racial discrimination and looked forward to continued discussion of its proposal with a view to restoring consensus.

41. **Mr. Fox** (United States of America) requested a recorded vote on the draft resolution as a whole.

42. **Mr. Kadiri** (Morocco) said that his delegation regretted the fact that a vote had been requested on the draft resolution. In reply to the concerns raised by the representative of Italy, he said that a recommendation on the question of the racial equality index had been included in the outcome document of the inaugural session of the group of independent eminent experts, held in Geneva in September 2003. That was why the draft resolution now before the Committee included a request to the High Commissioner for Human Rights to examine the possibility of the development of a racial equality index and to report to the Commission on Human Rights. He called on all colleagues to vote for the paragraph and for the resolution as a whole.

43. At the request of the representative of Italy, a recorded vote was taken on paragraph 31.

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Poland, Portugal, Republic of Korea, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Iceland, Kazakhstan, Liechtenstein, New Zealand, Norway, Switzerland, Ukraine.

44. *Paragraph 31 was adopted by 105 votes to 40, with 8 abstentions.*

45. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/58/L.34 as a whole.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada.

46. *Draft resolution A/C.3/58/L.34 was adopted by 155 votes to 2, with 2 abstentions.*

47. **Mr. Fox** (United States of America) said that his delegation had not been able to join consensus on the draft resolution. However, it appreciated the fact that the sponsors had continued to recognize the persistent problems of anti-Semitism and Islamophobia, a subject on which the Special Rapporteur had commented at length in his interim report. The United States remained committed to combating racism, racial discrimination, xenophobia and related intolerance wherever they occurred.

48. **Ms. Kleitman** (Israel) said that the events that had transpired in Durban had constituted an affront not only to Israel and the Jewish people but to anyone who valued the true objectives of national efforts to combat racism and racial discrimination. Indeed, the hijacking of the Durban Conference in order to isolate and attack the State of Israel had done a great disservice to those who would have benefited from genuine action against racism. Instead of contributing to the efforts of the international community to eliminate racism and racial discrimination, the proceedings at Durban had represented a decisive step backwards. Certain delegations and NGOs had aggravated the situation by singling out one country for hatred, slander and defamation. Her delegation further regretted that the Palestine-Israel conflict had been repeatedly invoked at the Durban Conference. That conflict was not a racial one but rather a political and territorial conflict that had absolutely no place in a conference dealing with racism. It was a conflict involving two peoples, both with rights, grievances and aspirations, which could be resolved only by a renunciation of violence and a commitment to negotiations conducted in a spirit of compromise and mutual recognition.

49. Her delegation also regretted that in the course of consultations on resolution A/C.3/58/L.34, certain delegations had sought to eliminate any reference to anti-Semitism at a time when there was a worrisome

surge in attacks against Jews and Jewish institutions in various parts of the world.

50. Notwithstanding her delegation's opposition to the draft resolution, she wished to be perfectly clear in stating that Israel fully supported national efforts aimed at the eradication of racism and racial discrimination and related forms of intolerance. In the past, that heinous phenomenon had visited upon the Jewish people the most horrible acts of genocide in history, including the Holocaust, in which fully a third of the Jewish people had been brutally exterminated. It was precisely because of its opposition to racism that Israel could not support the outcome of the Durban Conference. Israel was committed to the unrealized goals of the Conference and was deeply disappointed that those values had been so shamefully trampled upon. It was Israel's conviction that all nations must stand together in confronting intolerance, xenophobia and racism by means of education, legislation and public awareness, until such a time as true tolerance for one's fellow man became a foundation of all societies in the world.

51. **The Chairman** suggested that the Committee should decide to recommend to the General Assembly that it should take note of the following documents: Report of the Committee on the Elimination of Racial Discrimination (A/58/18) and Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference Against Racism, Racial Discrimination, Xenophobia and related Intolerance (A/58/324).

52. *It was so decided.*

53. **Mr. Fox** (United States of America) said it was his understanding that the Committee took note of all reports considered at the present meeting consistent with General Assembly decision 55/488.

Agenda item 117: Human rights questions (*continued*)

(b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

54. **The Chairman** suggested that the Committee should decide to recommend to the General Assembly that it should take note of the following documents: Report of the Human Rights Committee (A/58/40 (Suppl.)), Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/58/306), Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/58/326) and Note by the Secretariat containing the report of the chairpersons of the human rights treaty bodies on their fifteenth meeting, held in Geneva from 23 to 27 June 2003 (A/58/350).

55. *It was so decided.*

Draft resolution A/C.3/58/L.71: Protection of human rights and fundamental freedoms while countering terrorism

56. **The Chairman** invited the Committee to consider the draft resolution which the Secretariat had informed him would have no financial implications.

57. He said that Bosnia and Herzegovina, Bulgaria, Croatia, Egypt, Ecuador, Estonia, the former Yugoslav Republic of Macedonia, Honduras, Lithuania, Malta, Panama, Romania, Saint Vincent and the Grenadines, Suriname and Ukraine had become sponsors of the draft resolution.

58. **Mr. De Alba** (Mexico) said that El Salvador, Japan, Sudan and Timor-Leste had become sponsors of the draft resolution. Spain should be deleted from the list of sponsors shown in the original text of the draft resolution.

59. A number of revisions had been made to the original text of the draft resolution. In order to save time, he would not read them out; members should refer to the printed text that had just been distributed in the meeting room. The changes were essentially the same as those appearing in the compromise text which the Mexican delegation had distributed among all delegations on 21 November 2003. In the informal document circulated by his delegation, the paragraphs that had been changed with respect to the original text of draft resolution A/C.3/58/L.71 were highlighted in bold font. In-depth negotiations had been held on certain paragraphs, particularly paragraphs 6, 10 and 11. Those texts were essentially the same as the ones circulated on 21 November 2003, except that the word "Also" had been added at the beginning of paragraph 10.

60. The draft resolution was important because it was crucial that the United Nations should once again take a stand for the protection of human rights in the fight against terrorism. The issue was undoubtedly a sensitive one, and both sides had had to make concessions. The sponsors had made every effort to maintain consensus on the text without compromising the central objective of the draft resolution. He thanked all delegations for their constructive approach to the negotiations.

61. **The Chairman** said that Albania, Bolivia and Ethiopia had become sponsors of the draft resolution. He informed the Committee that the representative of India had requested a separate vote on paragraphs 10 and 11.

62. **Mr. Moutari** (Niger) said it was regrettable that the most recent version of the text before the Committee was available only in English.

63. **Mr. De Alba** (Mexico) said he regretted the fact that the most recent revisions had not been available in all the official languages, but noted that the original draft resolution had been distributed in all the languages. It had not been possible for the revisions to be translated in time for the Committee to take action on them.

64. His delegation deeply regretted the decision by India to request a separate vote on a couple of paragraphs that dealt with just one point. The only matter mentioned by those paragraphs was the advisability of carrying out a study the results of which were in no way being prejudged. The paragraph had been discussed at length, and the sponsors had been confident that there would be no problem with the wording. No alternative wording had been proposed; there had merely been a request for its deletion. He hoped that the request for a separate vote would not cause anyone to question the commitment of all Member States to the purpose of the draft resolution, which was to protect human rights in the fight against terrorism. If the delegation of India did not expressly request a vote on the resolution as a whole, it might still be possible to adopt it without a vote. If that was not the case, he hoped that the draft resolution could be adopted by consensus when it was considered by the plenary.

65. **Mr. Gopinathan** (India), speaking in explanation of vote before the voting, said that the changes introduced in the current year's text would result in a departure from the consensus achieved the previous year. Draft resolution A/C.3/58/L.71 did not adequately reflect the idea that, in many cases, terrorism posed a severe challenge to democracy, civil society and the rule of law and it contained no mention of the gross violations of human rights perpetrated by terrorists, in particular their negation of the most fundamental human right, the right to life. He recalled article 30 of the Universal Declaration of Human Rights and, in that context, reaffirmed his Government's commitment fully to respect human rights while combating terrorism.

66. Turning to paragraphs 10 and 11 of the draft resolution, he drew attention to the fact that the action requested of the High Commissioner for Human Rights in paragraph 10 was subsumed in the mandate given to the High Commissioner in paragraph 9, a mandate which had to offer sufficient flexibility for the optimization of resources. Moreover the High Commissioner had been instructed to perform the very same tasks only one year earlier and the Commission on Human Rights had not yet considered the High Commissioner's examination of the question of the protection of human rights and fundamental freedoms while countering terrorism. Similarly, the draft resolution ignored both the work being done by the Special Rapporteur on terrorism and human rights of the Subcommission on the Promotion and Protection of Human Rights and the Subcommission's decision in its resolution 2003/15 further to study the compatibility of counter-terrorism measures with international human rights standards. For those reasons it was premature to embark on any further investigation of the topic. In addition, the financial implications of the proposed study had not been established, and the Office of the High Commissioner for Human Rights was faced with serious constraints on its resources. The Office should therefore concentrate on the provision of technical cooperation and advisory services to requesting States and on capacity building.

67. As for paragraph 11, the sponsors had not supplied any convincing reasons for an accelerated time frame for consideration of the proposed study by the Commission on Human Rights at its sixtieth session. Paragraph 11 had the effect of marginalizing and bypassing the Commission, which should be the first body to which the High Commissioner should report. His Government therefore called for a separate vote on paragraphs 10 and 11. It would vote against

those paragraphs and abstain on the resolution as a whole.

68. **Ms. Menéndez** (Spain), said that, while countering terrorism was a top priority, it was, at the same time, necessary to respect the rule of law and international human rights standards. Her Government abided by those precepts in its daily battle with a scourge which had been growing throughout the world in recent years.

69. Any study of terrorism from the standpoint of human rights should take into account the tragic reality of terrorism's impact on victims, who should not be relegated to oblivion, since it was they who suffered most from the consequences of terrorist acts, methods and practices The text failed to bear that aspect in mind. Consequently, while her delegation would vote in favour of paragraphs 10 and 11 and of the draft resolution as a whole, it was unable to sponsor it.

70. *At the request of the representative of India, a recorded vote was taken on paragraphs 10 and 11 of draft resolution A/C.3/58/L.71.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

India.

Abstaining:

Australia, Benin, Burkina Faso, China, Democratic Republic of the Congo, Gambia, Ghana, Israel, Kenya, Myanmar, Philippines, Rwanda, South Africa, Togo, United States of America.

71. *Paragraphs 10 and 11 of draft resolution A/C.3/58/L.71 were adopted by 136 votes to 1, with 15 abstentions.*

72. *A recorded vote was taken on draft resolution A/C.3/58/L.71 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand,

Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

India.

73. *Draft resolution A/C.3/58/L.71, as orally revised, was adopted by 157 votes to none with 1 abstention.*

74. **Mr. Amorós Núñez** (Cuba) said that, although his Government welcomed Mexico's initiative and its efforts to incorporate in the draft resolution all the suggestions made by delegations, his Government's understanding of paragraph 7 was that efforts to coordinate the work of the special procedures and mechanisms of the Commission on Human Rights and United Nations human rights treaty bodies should not cause them to exceed their mandates. Those bodies and mechanisms were independent and since their work was highly specific, due regard should be had to confidentiality when exchanging information. As for paragraph 10, the request for the High Commissioner to conduct a study should not lead to recommendations which would impinge on the exclusive prerogatives of the Commission on Human Rights or of treaty monitoring bodies.

75. **Mr. Andrabi** (Pakistan) said that, even though his Government had not joined the sponsors of the draft resolution, it supported the text and regretted that India had called for a recorded vote. The promotion and protection of human rights must take precedence even when combating terrorism. Fighting terrorism did not entitle any country to violate human rights, particularly those of persons struggling for the attainment of their inherent right of self-determination.

76. **Mr. Schurti** (Liechtenstein) said that, since his Government had long held that it was imperative for the Third Committee to address the relationship between action to combat terrorism and the promotion and protection of human rights, it had sponsored the resolutions on that issue. Existing human rights law struck a balance between the security needs of States and human rights standards. Violating human rights for the sake of combating terrorism ultimately played into the hands of terrorist groups and was counterproductive. It was therefore gratifying to note the Counter-Terrorism Committee's increasing awareness of the inseparable link between respect for human rights standards and measures to combat terrorism. Terrorist activities had a devastating effect on the enjoyment of human rights worldwide; hence there was an urgent need for the international community effectively to address the role of non-State actors in international law in general and in the area of human rights in particular.

77. **Ms. Londoño** (Colombia) said that, while her Government fully supported draft resolution A/C.3/58/L.71, it regretted that its proposal to include a reference to article 3 of the Universal Declaration of Human Rights in relation to the victims of terrorism had not been adopted and hoped that such a reference would be incorporated in the draft resolution the following year.

The meeting rose at 6.10 p.m.

United Nations A/C.3/58/SR.61

General Assembly
Fifty-eighth session

Official Records

Distr.: General
17 December 2003

Original: English

Third Committee

Summary record of the 61st meeting
Held at Headquarters, New York, on Monday, 1 December 2003, at 10 a.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-63647 (E)

The meeting was called to order at 10:20 a.m.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution on the situation of human rights in Cambodia (A/C.3/58/L.75)

1. **Mr. De Barros** (Secretary of the Committee) said that, under the terms of paragraph 2 of section IV of draft resolution A/C.3/58/L.75, the General Assembly would urge the Secretary-General and the Government of Cambodia to take all the measures necessary for the early establishment of the Extraordinary Chambers and appealed to the international community to provide assistance, including financial and personnel support, to the Extraordinary Chambers in accordance with General Assembly resolution 57/228.

2. Since the establishment of the Khmer Rouge Tribunal was an operation to be funded from extrabudgetary resources, draft resolution A/C.3/58/L.75 did not have programme budget implications for the regular budget. As noted in the Secretary-General's report (A/57/769), the requirements would exceed $9 million for that activity, which depended entirely on voluntary contributions. To date, only a contribution of $45,000 had been received for the upcoming assessment mission.

3. **The Chairman** announced that Albania, Bulgaria, Cyprus, Greece, Estonia, Iceland, Lithuania, Luxembourg, Malta, New Zealand, Poland, Romania, Slovakia, Slovenia and Switzerland had become sponsors of the draft resolution.

4. **Mr. De Barros** (Secretary of the Committee) read out oral revisions made by the representative of Japan in introducing the draft resolution. In section III, under the heading "Administrative, legislative and judicial reform", the words "inter alia" should be inserted after the words "in July 2003" in paragraph 1. In section VI, paragraph 1, under the heading "Protection of women and children", the words "including sexual violence" should be replaced with the words "inter alia sexual violence".

5. **Mr. Sun** (Cambodia) noted that, although some parts of the draft resolution did not fully reflect the current situation in Cambodia, it would nevertheless contribute to the tireless efforts of the Government and people of Cambodia to build a democratic society and to improve the human rights situation in the country, which had been devastated by more than two decades of war. He was delighted to note that the tremendous achievements of the people and Government of Cambodia on those vital issues had been recognized and that the international community had a better understanding of the challenges facing the country in a number of areas and remained committed to providing valuable support to the people and Government of Cambodia in dealing with significant problems in all fields of development. He reiterated his Government's determination to continue to build a democratic nation where human rights would be respected and provide a better future for its people. He hoped that the draft resolution would be adopted by consensus.

6. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/58/L.75, as orally revised, without a vote.

7. *It was so decided.*

8. **The Chairman** proposed that the Committee should take note of the following reports under sub-item 117 (b): report of the Secretary-General on the protection of migrants (A/58/121); note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the protection of migrants (A/58/275); report of the Secretary-General on the right to development (A/58/276); report of the Secretary-General on human rights and unilateral coercive measures (A/58/279); note by the Secretary-General transmitting the report of the special representative of the Secretary-General on the situation of human rights defenders (A/58/380).

9. *It was so decided.*

10. **Ms. Zack** (United States of America) said that it was her delegation's understanding that the Committee was taking note of the reports consistent with General Assembly decision 55/488.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/58/L.68/Rev.1 and A/C.3/58/L.82)

Draft resolution on the situation of human rights in Myanmar (A/C.3/58/L.68/Rev.1)

11. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.68/Rev.1 entitled "Situation of human rights in Myanmar" and drew attention to document A/C.3/58/L.82 containing a

statement of programme budget implications relating to the draft resolution.

12. The delegations of Albania, Andorra, Australia, Bulgaria, Estonia, Latvia, Malta, Republic of Korea and Romania had become sponsors of the draft resolution.

13. **Mr.** Kyaw Tint **Swe** (Myanmar) recalled that draft resolution A/C.3/58/L.68/Rev.1 had been revised by the representative of Japan on 21 November 2003 and that the statement of programme budget implications had also been revised on 21 November. He was referring to the activities described in the statement and not to the expenditure itself.

14. **Mr. De Barros** (Secretary of the Committee), reading out the revisions to the text said that in paragraph 4 (a) the words "and its consequences for the human rights situation in Myanmar" should be deleted. In paragraph 7 (a), the words "as well as" should be replaced by the word "including" and the words "in Myanmar" should be inserted after the word "process". Lastly, paragraphs 8 and 9 should be deleted.

15. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the draft resolution, which had been on the Committee's agenda for years, was based on unsubstantiated allegations of anti-government groups and did not reflect reality. It was a blatant attempt to interfere in the domestic political process of Myanmar by politicizing human rights. The current year's resolution was even more intrusive and, if allowed to go unchallenged, would not only harm Myanmar's national security interests and infringe on its sovereignty, but would also create a dangerous precedent with far-reaching consequences for all developing countries. The text was greatly coloured by an unfortunate incident that had occurred on 30 May 2003 at Dabeyin, when followers of Daw Aung San Suu Kyi and local people had clashed. As a result, four persons had died and over 50 had been injured, dealing a serious blow to the national reconciliation process being implemented by his Government. The number of deaths had been confirmed by the Special Rapporteur on Human Rights, who had also confirmed that Daw Aung San Suu Kyi was no longer subject to any internal security laws. Those incidents notwithstanding, his Government had continued its national reconciliation and democratization process and the new Prime Minister of the country had launched on 30 August Myanmar's road map to democracy.

16. The draft resolution contained very disturbing language and many elements were completely unacceptable to his delegation, especially paragraphs 2 (e) and 4 (b), (c) and (e). It contained a litany of unfounded allegations and continued to lack fairness. While his Government was determined to promote the human rights of all the people in Myanmar and to implement the road map to democracy, it would not accept a resolution that had politicized human rights with the intention of exerting pressure on Myanmar's domestic political process and other matters which, under the Charter of the United Nations, were within the country's domestic jurisdiction. His delegation totally rejected all the unfounded allegations and dissociated itself from the draft resolution.

17. **Ms. Gunnarsdóttir** (Iceland) said that her delegation wished to become a sponsor of the draft resolution.

18. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/58/L.68/Rev.1, as orally revised, without a vote.

19. *It was so decided.*

20. **Mr. Xie** Bohua (China) said that the Government of Myanmar had dedicated itself to the protection of the human rights and fundamental freedoms of its people, had actively made efforts to stabilize the situation and had announced the road map for the transition to democracy. In that regard, the international community should give more encouragement and support to the Government of Myanmar. Using a country-specific human rights resolution to exert pressure on Myanmar would not contribute to the solution of the problem.

21. **Ms. Tomar** (India) said that the Government of Myanmar had initiated steps towards democracy with the announcement of the road map for the transition to democracy. Myanmar had over the past decade successfully addressed the difficult issues of territorial integrity and national sovereignty and had initiated a national reconciliation process, while at the same time engaging with the United Nations system, including in the area of human rights. The efforts of Myanmar to move towards democracy should be supported by the international community through a process of active bilateral engagement.

22. **Mr. Boonpracong** (Thailand) said that any resolution relating to a country-specific human rights situation should reflect the facts in a balanced manner. The primary objective of such a resolution should be to

encourage the country concerned to further improve its human rights situation. Dialogue and reconciliation were constructive approaches in that regard. His delegation supported the efforts of Myanmar to improve the well-being of its people and to bring about national reconciliation and a transition to democracy. In that regard, it welcomed in particular the announcement by the Prime Minister of Myanmar of the road map for transition to democracy. The international community should stand ready to lend support to Myanmar in those efforts. Thailand also supported the efforts by the Secretary-General through his Special Envoy to facilitate the national reconciliation process in Myanmar. In that regard, Thailand welcomed the cooperation which the Government had accorded to the Special Envoy and to the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Myanmar in the discharge of their mandates.

23. **Ms. Pham Thi Nga** (Viet Nam), explaining her delegation's position, said that the draft resolution was unbalanced and did not reflect the progress made in the protection and promotion of human rights in Myanmar. The adoption of the draft resolution, an exercise in the politicization of human rights, did not serve the cause of human rights in Myanmar or elsewhere. The promotion of human rights could be achieved only through sincere dialogue and cooperation with a view to achieving mutual understanding.

24. **Mr. Dhakal** (Nepal), explaining his delegation's position, said that Myanmar had clearly taken steps to improve its human rights situation, including through its seven-step road map to democracy. The international community should recognize Myanmar's efforts to promote human rights and the difficulties encountered in meeting the expectations of some States. Developed countries must help those left behind to strengthen their national capacities so that all people might enjoy human rights.

25. **Mr. Amorós Núñez** (Cuba), explaining his delegation's position, said that the draft resolution, which failed to take into account the situation in Myanmar, was unbalanced and selective and in no way designed to promote or protect human rights. His delegation wished to highlight the lack of genuine international cooperation and dialogue with respect to the draft resolution.

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (A/C.3/58/L.79/Rev.1)

26. **Mr. De Barros** (Secretary of the Committee) said that the mandates of the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo fell within a category of activities considered to be of a perennial nature. Because provisions for their activities and travel to field missions of members of the Working Group had already been included in the programme budget for the current biennium and in the proposed programme budget for the biennium 2004-2005, no additional appropriation would be required as a result of the adoption of the draft resolution.

27. **The Chairman** said that Romania and Switzerland had joined in sponsoring the draft resolution and that a separate recorded vote had been requested by the delegation of Uganda on the fourth preambular paragraph.

28. **Ms. Otiti** (Uganda), speaking in explanation of vote before the voting, said that the draft resolution recalled previous resolutions of the General Assembly and the Commission on Human Rights based on reports that relied heavily on unnamed sources, unsubstantiated allegations and hearsay. Those reports, which withheld the names of sources under the pretext of security concerns, had wilfully ignored the facts. Her delegation believed that the Democratic Republic of the Congo was moving forward with respect to human rights. Repeating past allegations served only to introduce falsehoods into the draft resolution, which her delegation could not accept.

29. *A recorded vote was taken on the fourth preambular paragraph of draft resolution A/C.3/58/L.79/Rev.1.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg,

Mali, Malta, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Guinea-Bissau, Myanmar, Rwanda, Uganda.

Abstaining:

Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

30. *The fourth preambular paragraph of draft resolution A/C.3/58/L.79/Rev.1 was adopted by 82 votes to 4, with 75 abstentions.*

31. **Mr. Roshdy** (Egypt), speaking also on behalf of China, Dominica, Kuwait, Malaysia, Myanmar, Nigeria, Saudi Arabia, Singapore, Sudan, Swaziland, and the United Arab Emirates, requested a separate recorded vote on paragraphs 3 (b) and 6 (e) of the draft resolution. It was regrettable that the sponsors were once again trying to impose their position on capital punishment in a General Assembly resolution. There was no international consensus on capital punishment, which was permissible under international law. While they respected the right of States to hold a different view on the issue, those States called for similar respect for their Governments' views. States had the sovereign right to decide on capital punishment. His delegation objected to the imposition by one group of States of its views as universal norms upon others. For those reasons, the separate vote had been requested on the two paragraphs and he invited delegations to vote against them.

32. **Mr. Cavallari** (Italy), speaking on behalf of the sponsors, said that he respected the wish of some delegations for a vote on separate paragraphs. Nevertheless, he reiterated the hope that the draft resolution as a whole would be adopted by consensus.

33. **Mr. Andrabi** (Pakistan), speaking in explanation of vote before the voting, said that his delegation had not joined those that had called for a separate vote, because it had not received instructions in time. Nevertheless, the death penalty was part of the legal system of Pakistan. Resolutions like the one under consideration should not be used to question the legal systems of States or to impose the legal system of one country on another. His delegation would therefore vote against paragraphs 3 (b) and 6 (e) of the draft resolution.

34. **Ms. Ng** (Singapore), speaking in explanation of vote before the voting, said that her delegation had consistently abstained in votes on country-specific human rights resolutions such as the one under consideration, because they were driven by political rather than human rights considerations.

35. She wished, however, to explain her Government's opposition to paragraphs 3 (b) and 6 (e). There was no consensus on the abolition of capital punishment under international law. The language on capital punishment in the draft resolution, which was drawn from a resolution of the Commission on Human Rights, was too prescriptive and intrusive, particularly in the paragraph calling for a moratorium on and gradual abolition of capital punishment. Her delegation disagreed with the disturbing practice on the part of many delegations of presenting the language of the Commission on Human Rights, a much less universal and representative body than the General Assembly, as agreed language in a General Assembly resolution.

36. **Mr. Zeidan** (Lebanon), speaking in explanation of vote before the voting, expressed his delegation's reservations regarding country-specific human rights

resolutions, particularly because of their selectivity, and said that it was disheartening that capital punishment remained a divisive issue given that it concerned the most sacred of rights and raised the question of retribution versus reform. Capital punishment had enjoyed a de facto moratorium for humanitarian reasons. His delegation would continue to abstain in votes on resolutions that made reference to capital punishment.

37. **Mr. Hoban** (Qatar), speaking in explanation of vote before the voting, said that, while the death penalty was controversial, States had the sovereign right to decide on capital punishment under international law. In the light of the diversity of cultures and civilizations, no State should attempt to impose its values on others. His delegation would therefore vote against the two paragraphs of the draft resolution.

38. *A recorded vote was taken on paragraphs 3 (b) and 6 (e) of draft resolution A/C.3/58/L.79/Rev.1.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Benin, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, United States of America, Zimbabwe.

Abstaining:

Algeria, Azerbaijan, Belarus, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Djibouti, El Salvador, Fiji, Ghana, Haiti, Kazakhstan, Kenya, Lebanon, Madagascar, Malawi, Mali, Morocco, Namibia, Niger, Philippines, Russian Federation, South Africa, Tajikistan, Thailand, Togo, Tunisia, Uganda, Zambia.

39. *Paragraph 3 (b) and 6 (e) of draft resolution A/C.3/58/L.79/Rev.1 were adopted by 73 votes to 50, with 35 abstentions.*

40. **Ms. Zack** (United States of America) said that her delegation recognized that the Democratic Republic of the Congo had ratified the Statute of the International Criminal Court. Given the long-standing concerns of her Government about ICC, she proposed that paragraph 6 (g) of the draft resolution should be amended so that it would make no specific reference to the Court and read: "To comply with its treaty obligations and to continue to cooperate with the International Criminal Tribunal in Rwanda". Her delegation would support the adoption of the draft resolution as a whole by consensus as a demonstration of its continued concern for the improvement of the human rights situation in the Democratic Republic of the Congo.

41. *A recorded vote was taken on the United States amendment to paragraph 6 (g).*

In favour:

Micronesia (Federated States of), United States of America.

Against:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Costa

Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mauritius, Mexico, Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Abstaining:

Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Guyana, Haiti, India, Indonesia, Israel, Jamaica, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates.

42. *The United States amendment was rejected by 93 votes to 2, with 55 abstentions.*

43. **The Chairman** said that the Committee would proceed to vote on draft resolution A/C.3/58/L.79/Rev.1 as a whole.

44. **Mr. Roshdy** (Egypt), supported by **Ms. Ahmed** (Sudan), said that the Committee must proceed as indicated by the Chairman, unless a delegation appealed against that ruling.

45. **Mr. Andrabi** (Pakistan), speaking on a point of order, said that rule 129 of the rules of procedure stipulated that, if parts of a proposal were voted on separately, the parts of the proposal which were approved should be put to the vote as a whole.

46. **Ms. Uluiviti** (Fiji) recalled that at the 59th meeting the Chairman had given a different interpretation of rule 129, which she had supported. The term "by consensus" was not synonymous with the phrase "without a vote". The fact that a vote had been taken on parts of the draft resolution did not mean that a vote had to be taken on the draft resolution as a whole.

47. **Mr. Wenaweser** (Liechtenstein) asked whether any delegation had requested a vote on the draft resolution as a whole.

48. **The Chairman** invited the Committee to vote on the draft resolution as a whole.

49. **Mr. Wenaweser** (Liechtenstein) expressed surprise at the Chairman's refusal to answer his question, in variance with the spirit of transparency that had traditionally prevailed in the Third Committee.

50. **The Chairman** replied that under rule 129 there was no need for a vote to be requested and invited members to make general remarks on the draft resolution prior to the voting.

51. **Mr. Wenaweser** (Liechtenstein) said that his interpretation of rule 129 was different from the Chairman's ruling, against which his delegation appealed.

52. **The Chairman** invited the Committee, under rule 113, to vote on the Liechtenstein delegation's appeal against his ruling.

53. *A recorded vote was taken.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Serbia

and Montenegro, Slovakia, Slovenia, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Peru, Qatar, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

None.

54. *The appeal against the Chairman's ruling was rejected by 82 votes to 70.*

55. **The Chairman** invited the Committee to vote on draft resolution A/C.3/58/L.79/Rev.1 as a whole.

56. **Mr. Begg** (New Zealand) said that, although the Chairman's ruling had been upheld in the vote, he requested a legal opinion as to which of the Chairman's conflicting interpretations of rule 129 would guide the Committee's future work.

57. **Mr. Ileka** (Democratic Republic of the Congo), speaking in explanation of vote before the voting, said that it was public knowledge that, with its eastern region long occupied by Rwanda and Uganda, his country was emerging from a long, harsh war that had caused untold suffering to the civilian population. The occupation had been marked by widespread, systematic violations of human rights and international humanitarian law and had caused the deaths of over three million Congolese in the occupied territory.

58. It was unrealistic to expect a new era of peace, stability, reconciliation and national unity to emerge with the establishment of transition institutions unless the crimes committed were investigated, those responsible identified and justice rendered. The draft resolution was strangely silent on his Government's request to the international community to establish an international criminal tribunal for the Democratic Republic of the Congo, with a view to ending the violence and impunity. The main message of the draft resolution was that the Congolese were beasts of burden who could be sent to the slaughterhouse at will and with impunity. The iniquity of the drafters was manifest in paragraph 8 of the draft resolution, which clearly showed that the international community would accept no responsibility and take no action.

59. The draft resolution disregarded the urgent need to prosecute both nationals and foreigners who had committed or were committing massive human rights violations across the nation, massacred civilians and systematically looted the country's resources. It had missed an opportunity to send to those intending to repeat such violations the clear message that they would no longer go unpunished. The new momentum on the ground regarding unambiguous substantive issues should have been incorporated into the draft resolution.

60. The European Union, which had seen fit to give human rights lessons to sovereign independent States, was well aware that the restoration of justice in his country called for an effective mechanism to fight impunity, starting with the rehabilitation of the basic judicial infrastructure and the creation of a justice system that conformed to the principles of the Charter and international law. It appeared to have lost sight of the fact that the requirement of genuine reconciliation among the Congolese themselves and between the Congolese and nationals of the aggressor countries called for the urgent creation of a mechanism for elucidating crimes, apportioning blame and providing redress for the Congolese and foreign victims.

61. The Third Committee should discuss such issues with the utmost seriousness. Unfortunately, the text of the draft resolution totally disregarded those issues, which were essential to the success of the transition in

the Democratic Republic of the Congo, and had returned to obsolete debates on out-of-date issues that had nothing to do with the present, such as its determination to force the Government of National Unity and Transition to violate the transitional Constitution, including trespassing on Parliament's territory, especially with regard to the moratorium on the death penalty. Admittedly, the question of abolishing capital punishment had been raised before the transition. However, while the Government had been preparing public opinion for that new humanism, there had begun a new political phase of the peace process, directly linked to the inter-Congolese dialogue and firmly encouraged by the community of nations, to which his delegation appealed for respect for the decisions taken by the Congolese during that dialogue.

62. In any event, although the death penalty remained on the statute books, it was no longer applied, but only Parliament could decide whether to maintain it or remove it from Congolese law. The European Union was laboriously referring to agreements already implemented, instead of moving on to the restoration of relations between his country and its neighbours against the backdrop of ongoing preparations for the International Conference on Peace, Security and Democracy in the Great Lakes Region scheduled for June 2004.

63. His delegation was at a loss to understand why the sponsors of the draft resolution wished to involve neighbouring countries that had been militarily engaged in his country in the implementation of the transitional Constitution, which was a purely domestic matter. By the same token, with regard to paragraph 5 of the draft resolution, he drew the sponsors' attention to certain provisions of the transitional Constitution, which served as the country's Basic Law until such time as Parliament submitted the Constitution of the Third Republic for public approval. The briefest glance at the Constitution would have prevented the infelicities found in the draft resolution.

64. His delegation regretted that it had been denied the opportunity for detailed discussion of those issues with the European Union and that the text had been submitted without the least input from it. The scant exchanges between his delegation and that of Italy after submission of the text had been to no avail. However, his delegation would not vote against the draft resolution. The text did contain elements that would be helpful during the transition, and the European Union and some of its individual members implemented human rights promotion programmes appreciated by his Government. His delegation supported those efforts and hoped that they would be pursued on behalf of the Congolese people. It would abstain in the vote and appealed to the delegations that had always supported his country to do likewise.

65. **Mr. Nyamulinda** (Rwanda), speaking in explanation of vote before the voting, said that his delegation had hoped that a draft resolution on the Democratic Republic of the Congo could be adopted without a vote. However, the draft before the Committee lacked balance and, after voting against the fourth preambular paragraph and paragraphs 3 (b) and 6 (e), it would vote against the draft resolution as a whole. The Democratic Republic of the Congo and Rwanda had long-standing economic and social ties; political development in the former country had automatic repercussions on neighbouring countries. Rwanda hoped that the two countries could live in peace in a stable environment of respect for human rights. Such an initiative had begun with the Pretoria Agreement, itself an outcome of the inter-Congolese dialogue; his Government was prepared to work with the Democratic Republic of the Congo to boost the momentum in the Great Lakes Region and restoration of the rule of law and respect for human rights.

66. Regrettably, that momentum had not been reflected in the draft resolution, paragraph 4 of which employed language taken from resolutions adopted in the context of the war but subsequently overtaken by events. Moreover, no mention had been made of the abuses perpetrated by ex-FAR and Interahamwe forces among others, which remained the source of all the problems besetting the eastern part of the Democratic Republic of the Congo. As in previous years, the draft resolution before the Committee was unrealistic. He appealed to the European Union to take the positive momentum unleashed in the Great Lakes region into account in future. His delegation would vote against the draft resolution.

67. **Ms. Otiti** (Uganda), speaking in explanation of vote before the vote on draft resolution A/C.3/L.79/Rev.1, noted with respect to the statement made by the representative of the Democratic Republic of the Congo, to the effect that Uganda was still an occupying force in that country, that all Ugandan forces had withdrawn by June 2003, and that Uganda's presence had been premised upon legitimate security

concerns. The Uganda People's Defence Forces (UPDF) had never been an occupying force. The interim report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/58/534) was vague at best, indicating a lack of seriousness in addressing the issue, and draft resolution A/C.3/L.79/Rev.1 was similar in that regard. It did not take into account the continued presence of terrorist groups in the eastern regions of the Democratic Republic of the Congo, which threatened Uganda's security. Uganda had many concerns about the draft resolution, but those concerns had never been taken seriously into account by the major sponsors. Her delegation would vote against the draft resolution.

68. *A recorded vote was taken.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Belarus, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

69. *The draft resolution was adopted by 74 votes to 3, with 85 abstentions.**

70. **Mr. Ileka** (Democratic Republic of the Congo), explaining his delegation's position, said that the high number of abstentions provided eloquent testimony to the views of the Committee, and should send a very clear message to the European Union. Moreover, the Committee should think hard next year about the way its members should work together.

71. **Ms. Zack** (United States of America) said that her delegation had voted in favour of the draft resolution, as a demonstration of its continued concern about the situation of human rights in the Democratic Republic of the Congo and its wish to see the situation resolved as soon as possible. However, it continued to have reservations about the International Criminal Court, and its support for the draft resolution did not indicate any change in that regard. Moreover, according to the International Covenant on Civil and Political Rights, the death penalty could be imposed "only for the most serious crimes" and in accordance with due process guarantees.

72. **Ms. Bethel** (Bahamas) said that her delegation had voted in favour of the text. International action such as that outlined in the resolution genuinely sought to improve the situation of human rights in the country concerned. However, its support for the resolution was without prejudice to its position on the death penalty, which was a matter for the jurisdiction of each State.

* The delegation of Myanmar subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

73. **Mr. Taranda** (Belarus), explaining his delegation's position, said that it had voted against the draft resolution and opposed the adoption of country-specific resolutions, which did not contribute to the spirit of constructive cooperation with Governments and did not take into account countries' needs.

74. **Mr. Begg** (New Zealand), supported by **Ms. Pià Comella** (Andorra), **Mr. Choi** (Australia), **Mr. Cardoso** (Brazil), **Ms. Leyton** (Chile), **Ms. Uluiviti** (Fiji), **Ms. Gunnarsdóttir** (Iceland), **Mr. Cavallari** (Italy), **Mr. Hyassat** (Jordan), **Ms. Matekane** (Lesotho), **Mr. Nürnberg** (Norway), **Ms. Molarino** (San Marino) and **Ms. Zack** (United States of America), regretted the procedural debate preceding the vote. It had detracted from the importance of the resolution and from the decorum of the Committee. Furthermore, the ruling the Chairman had given on the procedure to be followed for the resolution under discussion did not agree with the general procedural ruling he had given a week previously. His delegation wished to place on record that it had requested clarification of that matter, but had not received such a clarification.

75. **Mr. Faati** (Gambia) said that it was his delegation's understanding that rule 129 was applicable when separate votes were requested on separate paragraphs. The Chairman was obliged to follow the rules of procedure. The Committee should vote on draft resolutions as a whole.

76. **Ms. Groux** (Switzerland) welcomed the constructive approach of the representative of the Democratic Republic of the Congo, who had appealed to Committee members to abstain rather than vote against the resolution. With regard to the procedural debate that had taken place before the adoption of the resolution, her delegation did not challenge the Chairman's interpretation of rule 129 as requiring a vote on the resolution as a whole after a separate vote. However, that did not change the prerogative of delegations to explore the possibility of a consensus vote.

77. **Ms. Sonaike** (Nigeria) said that her delegation was pleased that the Committee had deviated from practice on the application of rule 129. Whenever individual parts of a resolution were put to a vote, the rules required that the whole resolution also be put to a vote.

78. **Mr. Konfourou** (Mali) said that the vote that had just taken place effectively closed the discussion on the matter, and his delegation regretted that it had not taken place sooner.

79. **Mr. Roshdy** (Egypt) said that it was his delegation's understanding that the Committee had just adopted an interpretation of rule 129 and that members had supported the interpretation that, whenever a part of a resolution was voted on, the entire resolution should also be put to a vote.

80. **Mr. Moutari** (Niger) supported the statements made by the representatives of Nigeria, Mali and Egypt and welcomed the fact that the Committee had, through the Chairman's ruling, established the correct interpretation of rule 129.

81. **Mr. Schurti** (Liechtenstein) said that his delegation very much regretted the fact that a procedural debate had taken place. He had taken note of the fact that the Chairman had not applied his earlier ruling on rule 129 and wished to state for the record that his delegation continued to have the same understanding of the rule that had been provided by the Office of Legal Affairs, and indeed earlier by the Chairman.

82. **Ms. Faye** (Senegal), supported by **Ms. Elisha** (Benin), **Ms. Astanah** (Malaysia), **Ms. Hamid** (Saudi Arabia) and **Ms. Al Haj Ali** (Syrian Arab Republic), said that her delegation fully supported the Chairman's ruling on the application of rule 129. She believed, however, that the Committee should debate the rule at some future date.

83. **Ms. Ahmed** (Sudan) said that her delegation shared the Malian representative's regret that the Committee had not proceeded to vote on the resolution immediately. She would have preferred that the Committee focus on the substance of the discussion. As the representative of the Democratic Republic of the Congo had observed, it was regrettable that the Committee was spending its time on procedural matters rather than focusing on people's suffering.

84. **Mr. Andrabi** (Pakistan) said that his delegation wished to join the delegations of Egypt, Mali and the Sudan in supporting the Chairman's interpretation of rule 129. The Committee had clearly expressed the view that a proposal voted on in parts must also be voted on as a whole. It was therefore regrettable that

some delegations continued to challenge the Committee's decision.

85. **Mr. Nyamulinda** (Rwanda) said that his delegation had been shocked and offended by the statement of the representative of the Democratic Republic of the Congo. Rwanda's troops had been withdrawn on 30 July 2002 and none now remained. That withdrawal had been the result of very painstaking negotiations between the two countries. He hoped that the statement of the representative of the Democratic Republic of the Congo did not truly reflect the position of the Congolese Government. For its part, the Rwandan Government supported the Inter-Congolese Dialogue and wished to work with the Democratic Republic of the Congo to restore confidence, a spirit of good-neighbourliness, political and economic cooperation, peace, and security in the Democratic Republic of the Congo and throughout the Great Lakes region.

The meeting rose at 1.15 p.m.

United Nations A/C.3/58/SR.62

General Assembly
Fifty-eighth session

Official Records

Distr.: General
30 December 2003

Original: English

Third Committee

Summary record of the 62nd meeting
Held at Headquarters, New York, on Monday, 1 December 2003, at 3 p.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

Agenda item 12: Report of the Economic and Social Council (*continued*)

Agenda item 113: Promotion and protection of the rights of children (*continued*)

Completion of the Committee's work

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-63653 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 117: Human rights questions (*continued*)

(e) Human rights situations and reports of special rapporteurs and representatives (*continued*)

1. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the following documents: the note by the Secretary-General on the human rights situation of the Lebanese detainees in Israel (A/58/218); the note by the Secretary-General regarding the report of the Independent Expert on the situation of human rights in Afghanistan (A/58/334); the note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/58/338); the note by the Secretary-General transmitting the report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone (A/58/379); the note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan (A/58/421); and the note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/58/448).

2. *It was so decided.*

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/58/36)

3. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the report of the United Nations High Commissioner for Human Rights (A/58/36).

4. *It was so decided.*

5. **The Chairman** said that the Committee had concluded its consideration of agenda item 117.

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/58/3; A/C.3/58/L.80)

Organization of work of the Third Committee and draft biennial programme of work of the Third Committee for 2004-2005 (A/C.3/58/L.80)

6. **Mr. de Barros** (Secretary of the Committee), drew attention to document A/C.3/58/L.80, which contained the draft biennial programme of work of the Third Committee for 2004-2005, and, said that a number of revisions should be made in consequence of the Committee's work over the past two weeks. In paragraph 6 and in annex II, items 3 (a) and (b) should be deleted. In paragraph 9, the subtitle ("Parents (periodicity to be determined)") of item 3 should be deleted. In annex II, item 10, the four references to the draft resolution on the promotion and protection of the rights of children should be revised to read "A/C.3/58/L.29/Rev.1"; and in the reference relating to the report of the Secretary-General on a comprehensive assessment of the United Nations response to the issue of children affected by armed conflict (resolution 57/190, para. 47 should be replaced by para 48. The list of items under 14 (b) in annex II should, in addition, contain the interim report to the General Assembly on the activities of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/C.3/58/L.53, para. 16). The third document mentioned in connection with item 14 (c) should be revised to read: "Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo (A/C.3/58/L.79/Rev.1, para. 10)."

7. **Ms. Astanah Banu** (Malaysia) said that, owing to the position of human rights questions in the agenda, draft resolutions on the subject were submitted relatively late in the session and, through no fault of the Secretariat, were produced later than was convenient. She therefore proposed that the programme of work should be rearranged in such a way as to accommodate human rights questions at an earlier stage of the proceedings.

8. **The Chairman** said that the question would be considered at the next session of the Bureau.

9. **Ms. Astanah Banu** (Malaysia) said that, if her proposal was adopted only one week before the fifty-ninth session, there would be little time to change the deadlines for reports.

10. **Mr. de Barros** (Secretary of the Committee) said that the Malaysian proposal could be taken into account when the Secretariat prepared the organization of work. It had been proposed to elect the members of the Bureau for 2004 in June or July rather than September or October and, if that proposal was adopted, the timetable would be less rushed than the Malaysian delegation feared. He noted, however, that deadlines for documentation involved coordination within the United Nations, both in New York and with the Offices in Geneva and Vienna. No changes could be made until all parties had been consulted.

11. **The Chairman** said that he took it that the Commission wished to adopt the draft biennial programme of work for 2004-2005, as orally revised.

12. *It was so decided.*

Report of the Economic and Social Council (A/58/3)

13. **The Chairman** suggested that the Committee should take note of the report of the Economic and Social Council (A/58/3), in particular chapters I, III, V and VII, sections B, C and I, and chapter IX, which had been allocated to the Third Committee.

14. *It was so decided.*

15. **Mr. de Barros** (Secretary of the Committee) said that the correction to the report submitted by El Salvador would appear as document A/58/3/Corr.1.

16. **The Chairman** said that the Committee had concluded its consideration of agenda item 12.

Agenda item 113: Promotion and protection of the rights of children (*continued*) (A/58/329; A/C.3/58/L.23/Rev.1 and L.25/Rev.1)

17. **The Chairman** suggested that the Committee should take note of the report of the Secretary-General on progress towards implementation of the Declaration of Commitment on HIV/AIDS (A/58/329).

18. *It was so decided.*

19. **Ms. Zack** (United States) reiterated her delegation's understanding that the Committee was taking note of all such reports in accordance with General Assembly decision 55/488.

20. **Ms. Elisha** (Benin) said that she wished to place on record her delegation's concern at the way that draft resolution A/C.3/58/L.23/Rev.1, of which Benin had been a sponsor, had been set aside by means of a vote that no action should be taken. Her delegation had requested a suspension of the meeting in order to clarify the course of events, but the decision not to take action had been taken extremely quickly and her delegation had been unable to take part. The resolution had involved considerable preparation, and the Chairman should be vigilant in ensuring that a resolution could not be negated without adequate warning.

21. **Mr. Dhakal** (Nepal) said that his delegation had also been caught unawares and had thus not participated in the vote not to take action. He particularly regretted, in view of the importance of the resolution, that delegations had not been allowed to explain their position. His delegation had accepted the result, since it believed in the democratic process, but it would have preferred the procedure to unfold in a more transparent and comprehensible way.

22. **The Chairman**, referring to the draft resolution on the girl child (A/C.3/58/L.25/Rev.1), said that he wished to clarify the guidance that he had given on the rules of procedure. Where rule 129 had applied, he had clearly and consistently indicated as much, whether or not a delegation had requested a vote. Rule 129 had not, however, been applicable in the case of draft resolution A/C.3/58/L.25/Rev.1: the United States delegation had submitted amendments, to be put to a vote, but had said that, whatever the result of the vote, it would join the consensus. The amendments had been rejected and the draft resolution adopted without a vote. In that case, therefore, the applicable rule had been rule 130 and not rule 129, the interpretation of which had proved difficult. Adoption without a vote was naturally the most favoured outcome, but where that was impossible committees were obliged to vote in accordance with the relevant rule.

23. He said that the Committee had concluded its consideration of agenda item 113.

Completion of the Committee's work

24. After an exchange of courtesies, in which **Mr. Wood** (United Kingdom) and **Mr. Amorós Núñez** (Cuba) took part, **the Chairman** declared that the Third Committee had completed its work for the fifty-eighth session.

The meeting rose at 4.10 p.m.